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# RULE AND MISRULE

OF THE

## ENGLISH IN AMERICA

BY THE AUTHOR OF

"JAM SLICK THE CLOCK-MAKER," "THE LETTER BAG,"  
"ATTACHÉ," "OLD JUDGE," ETC.

*Thomas Chandler Haliburton*

"Nec quā commissas flectat habenas  
Nec scit quā sit iter ; nec si sciat, imperet illis."

OVID.



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1851.

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## DEDICATION.

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MY DEAR LORD FALKLAND,

I DERIVE much more pleasure in having the opportunity of dedicating this Work to you, than, I am afraid, you will feel at your seeing your name attached to a book, containing many things in which I know you do not concur; and some that your friendship for me will cause you to wish were expunged.

I do not, by any means, desire to have it supposed, that it has obtained your sanction, as a Colonial Governor, for you have never seen the manuscript, nor have I had the advantage of your valuable advice and experience during its progress.

My reason for inscribing it to you, though two-fold, is altogether personal. First—It will recall to your mind an old friend, who has spent many happy hours in your society, and partaken largely of your kindness and hospitality, in time by-gone, when we discoursed *de omnibus rebus et quibusdam aliis*. Those days can never be recalled, or renewed; but memory would indeed be a source of unmitigated pain, if it only reflected the dark shades, and not the sunny spots of life. This book will show you, that my political views are unchanged. I should be ashamed of myself, if a dedication were necessary to prove that my affection is also unaltered. Secondly—I know of no one so conversant with the subject as yourself. I never had a very exalted opinion of what is called “Responsible Government,” knowing that the term was an

indefinite one, and that an interpretation had been put upon it by many people, that made it almost amount to sovereignty.

To you was intrusted the delicate and difficult task of introducing it into Nova Scotia. Of the independence, judgment, moderation, and manliness, with which this delegated duty was executed, I say nothing, because in all ages, and in all countries, there have been others, beside your Lordship, who could justly lay claim to these qualities. But one thing is most certain, that the late Lord Metcalf and yourself were the only two men, either in the Cabinet or the Colonies, who understood the practical operation of the system; for while you conceded to the provincial Assembly, the entire control of its local affairs, you maintained your own position as the Queen's representative, asserted your rights, as an independent branch of the Legislature, and at the same time upheld the Royal Prerogative. Those Governors wherever situated, who have put a wider and more extended interpretation on the term than yourself, have become mere ciphers; while those, who may wish to follow your example, will find, that unwise concessions have rendered the task both hopeless and thankless.

“Sibi quivis

Speret idem, sudet multum, frustra que laboret.”

I am, my dear Lord Falkland,

Very sincerely and affectionately,

Yours, always,

THE AUTHOR.

NOVA SCOTIA, *March 31, 1851.*

# THE ENGLISH IN AMERICA.

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## BOOK I.

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### CHAPTER I.

**Introduction—Objects and Utility of the Work—No connected Political History of the Colonies to be found—Popular Error as to the Origin of the American Republic—One established at Plymouth in 1620, and another in Massachusetts in 1629, which subsisted for more than fifty Years—Democracy the result both of Design and Necessity—Notice of the early Settlers.**

THE early settlements made by the English in America were effected either by individual speculators or associated companies. They were in general situated at a distance from each other, having at first little or no connection, either political, social, or commercial among themselves, and deriving but trifling assistance, and less protection, from the mother country. They grew up into powerful colonies, in neglect and obscurity, with a rapidity and vigor that astonished Europe. They were without precedent in the previous annals of England, and the political agitation of the public mind in the present state, unhappily afforded no opportunity for establishing their relation on a proper foundation, or arranging a consistent and uniform plan for their government. The accounts we have of them, therefore, are detached, and their interest is destroyed for want of continuity. Every plantation has had its annalist, but the narratives are too local, too minute, and too similar in their details to be either interesting or instructive. No attempt has been made to separate the political from the provincial, and the general from the



individual and petty personal history. This, doubtless, is the reason why so little is known of the old colonies previous to the independence, and so little benefit has accrued from past experience, either to Great Britain or her dependencies.

A connected sketch of English "rule and misrule in America," it is hoped, may, to a certain extent, supply the deficiency, while it will correct some popular errors on the subject, and furnish valuable material for reflection, not only to those statesmen to whom our destinies are intrusted, but to those restless politicians who imagine a republican form of government suitable to the inhabitants of every country in the world.

Warned by past failures, the former may learn, ere it be too late, to abstain from making experiments which have long since been tried and condemned; to supply deficiencies which have heretofore cost the nation so dearly, to correct abuses arising from inconsiderate concessions, and to cherish and foster those establishments which in every stage of colonization have been the nurseries of loyalty to the monarch, and attachment to the nation. It will at least convince them that to substitute democratic for monarchical institutions is not the safest or best mode of retaining colonies, or enlisting the sympathy of their inhabitants.

The latter class (revolutionists) are numerous every where. Astonished and dazzled at the extraordinary success that has attended the great American experiment, they merely regard the result, without stopping to investigate the cause, and hastily conclude that that which has worked so well in the United States, and produced so much general prosperity and individual good, is equally applicable to, or attainable by every other people. This is a great and fatal error. A government must not only be suited to the population, but to the country for which it is designed; and the moral and social condition of the one, and the size, the climate, and political and relative position of the other, are of the utmost importance to be thoroughly understood, and maturely considered.

Thus a constitutional monarchy has proved inadequate in Spain to conciliate the affections or restrain the turbulence of the people. Responsible government in Canada has failed in its object, because it is incompatible with imperial control and colonial dependence, is unsuited to the poverty, ignorance, and inactivity of the French Habitants, and the predilections and

prejudices of the English emigrants, and because it wants correlative and congenial institutions, and is deficient in federal strength and central gravitation. Royalty could not be acclimated in the United States, though the experiment were to be tried by a vote of a large majority. It is contrary to the genius of the people, their habits, institutions, and feelings. For these and other reasons, self-government has signally failed in all the republics of the southern hemisphere, though the constitution and example of the United States have been followed as closely as possible. Democracy has at present a feverish and delirious existence in France. It was not the deliberate choice of the nation, but the result of an insurrection. It offered a temporary shelter amid the storms of civil commotion, and was adopted as a harbor of refuge. How long will its neutral character be respected by the irreconcilable parties that distract that unhappy nation?

My desire is, among other objects of this work, to show where and by whom republicanism was introduced into this continent, what its foundations are, how they were laid, and what provision has been made for its support and continuance. Having given a narrative of its origin, growth, and maturity, which can alone be compiled from provincial annals, I shall endeavor to explain briefly the complicated mechanism and simple action of the American federal constitution, and the balances and checks that have been so skillfully contrived by the great statesmen who constructed it; and also to point out the wonderful combination of accidental causes that contributed to its success, and the ability, unity, energy, and practical skill of the people, who work the machine and keep it in order and repair. The question has often been asked why may not this form of government be copied and adopted in England or France? The answer is to be found in every part of this history. It will be necessary most carefully to ascertain whether those things which have tended to its success in America exist, or can by any possibility be created in Europe. Its development must be traced step by step, day by day, from one event to another, and one generation and institution to another. Due weight must be attached to the consideration who and what the people were who founded it, and who and what they are who now live under it, as well as the time and the place selected for the experiment.

We must then judge whether all these circumstances, or the greater part of them, were indispensably necessary to success, and, if so, whether there is any thing analogous in Europe. I shall furnish the facts: let others build their own theories. I enter into no speculations, and, above all, offer no opinions as to the durability of this great republic of the western world, or how it will work when the population shall be proportionally as large as that of Europe. I simply portray it as it is.

Most men believe that the American Republic took its rise in a successful resistance of the provincials to an attempt on the part of Great Britain, in a parliament in which they were not represented, to tax them without their consent, and that resistance led to a revolution, in which they asserted their independence, and finally obtained it in the year 1783.

This is a very natural mistake for those persons to fall into who are not acquainted with their early history, but a republic *de facto* was first formed at Plymouth, in New England, in 1620, and another far more extensive and flourishing one was erected in Massachusetts, in the years 1628 and 1629, both which subsisted in full force for a period of more than fifty years, without submitting to the power, or acknowledging the authority of the Parent State.

These independent communities founded the institutions, and disseminated the democratic opinions that were subsequently adopted by the continental provinces. The former are, with some small modifications, such as are in existence there at the present day, and the latter are identical with the views of their descendants. The reason that so little is known of the occurrences of this period I have already assigned, but they are essential elements in forming any just estimate of subsequent events, or an accurate opinion of transatlantic affairs. With these commonwealths our narrative must necessarily commence. I shall omit every thing that does not either develop the character or principles of the people, or elucidate the views they entertained of their own supremacy, and their right to the soil, and government of the country of their adoption. I shall pass over also the earlier settlement at Plymouth with only a brief reference, as well on account of the greater growth and importance of Massachusetts, and the influence it always exerted on the neighboring plantations, as to preserve the narrative entire.

At the end of half a century these two republics were rendered nominally subordinate to the empire, but remained practically independent, retaining their own self-government, resisting the encroachments of the prerogative, zealously avoiding all acknowledgment of parental control, either in external matters of trade, or internal affairs of legislation or police, until they felt strong enough, in conjunction with the contiguous colonies, to sever all connection whatever with Great Britain. It is a curious and instructive history, and well worthy of the attentive consideration of those who feel inclined to imitate, and imagine they are able to follow the example. They will be struck with the important fact that they commenced with small and isolated communities, having one common object in view, and possessing the means, the unity of political and religious opinions, and the mutual confidence and sympathy necessary to effect their purpose. There was nothing to pull down or remove, no privileged orders to reduce, no serfs to raise to a level with themselves, no pre-existing form of government to eradicate, no contending factions or intriguing leaders to subdue, and no populace to conciliate or control. The scene was a forest, and the actors intelligent and resolute men, drawn from the middle and not the lower orders of society, emigrants from a country having liberal institutions and a code of laws well calculated to secure and promote the liberty of the subject. They were beyond the reach and the observation of the Parent State, and were left unaided and unmolested to put their theories into practice. The structure of the government thus adopted was simple, and suited to the exigencies and equality of their situation.

The civil divisions of the country, which became necessary from time to time, in consequence of their extended growth, and the internal management of their local affairs, corresponded with that of the first settlements, and were adopted not merely because they were democratic, but because they were best suited to their conditions, and in unison with their preconcerted object. One little village and neighborhood gave rise to another little village and neighborhood, and one distant settlement to another, until the country became populous, and the people too extended and numerous to meet together in council.

Delegated power then became indispensable, and a legislature arose, in imitation of and analogous to that of England. Then

came the necessity of establishing institutions, suitable not merely for a community but for a number of communities, not for the present generation but for posterity. For this task they were admirably well qualified. They were perfectly acquainted with those of the Parent State, under which they had been early trained, and had tested the modified forms they had temporarily adopted themselves on landing in the country. With this double experience, they were relieved from the difficulty of invention and much of the danger of innovation. They came to the consideration of these subjects with minds free from all excitement. They had obtained no victory, and were not flushed with triumph. They had no opposition, and were not obstinate. The civil power was in their own hands; they could delegate as little or as much as they thought expedient to an executive. Authority was not demanded, it was conceded. Every individual had a strong personal interest. It depended solely upon himself and his own conduct whether he should administer the law or should silently submit to its operation.

Every measure to be adopted was an act of the whole body and not a party. Is it then to be wondered at, that with this experience they reasoned well, and decided wisely?

When we consider that all this occurred more than two hundred and thirty years ago, before civilization had made such mighty strides as it has in modern times, and that the people who then deliberated on the difficult problems of government and jurisprudence, though men of strong intellect and good parts, nevertheless labored under the great disadvantage of having their tempers soured, and their understanding clouded by fanaticism and bigotry, we are struck with astonishment at the knowledge and consummate skill they displayed in laying the foundations of their political fabric; and if their system of jurisprudence was imperfect, it is still infinitely better than could have been expected from persons of their peculiar religious belief.

It is in the annals of these two first Republics of New England that we must trace the origin and history of almost every institution now existing in the United States, the rise and progress of American opinions of federal union with the neighboring sovereignties, of a separate jurisdiction and of a central congress. At the period of the Revolution, much doubtless was added by the great statesmen of the day, beyond what existed in the olden



time, but those additions were less conspicuous for their novelty and originality (for there was little new in them) than the wonderful skill exhibited in their adaptation to the then existing state of things, so as to preserve harmony and unity of action.

To ascribe to Washington, Franklin, Jefferson, or Adams, and their contemporaries, the whole merit of the invention and creation of that wonderful republic, would be to rob the early planters of Massachusetts of their well-earned laurels. There are enough for both, let us appropriate them to their respective owners; and in so doing let us not forget to mention those circumstances, and they were many and most important, which were purely accidental, the mere offspring of chance, a work of the hand of Providence.

## CHAPTER II.

The Reformation—Different Conduct of the Protestants and Church of England—Religious Differences lead to the Settlement of North America—Division of the Country into South and North Virginia—The latter explored by Captain Smith, and called New England—Delusive Description of it—Distinction between the Nonconformists of Leyden who settled New Plymouth, and those who founded Massachusetts—Account of Brown, his Principles, and Recantations—The Brownists petition for Toleration and are refused—Obtain a Charter in South Virginia—Settle at New Plymouth by Mistake—Enter into a Compact for Self-Government—First American Democracy—State of it at the End of six Years.

AT the Reformation, the sudden disruption of Papal authority naturally occasioned those who had hitherto been accustomed to travel in one common road to wander, when released, in various directions. What part of Romanism was true, and what false, what to be retained or rejected, added or substituted, opened a wide field for speculation and controversy. It is not to be wondered at, if men who had long ceased to think on such matters for themselves, found prejudice easier than reason, and thought their only safety consisted in getting as far away from the creeds, forms, and practices of Popery as possible, and mistook in their flight obstinacy for conscience, and submission to authority for a compromise of principle.

In consequence of the celebrated Germanic protest, all those both on the Continent and in Britain, who dissented from Popery (although distinguished from each other by some peculiar name, derived from their teachers or their creeds), assumed the general appellation of Protestants. While they made war on the ceremonies of Rome, they retained her bigotry, and though they denied the power of dispensation to the Pope, they found no difficulty in absolving themselves from the obligation of their oaths of allegiance to their sovereign. They clamored, and suffered or fought for the exercise of private judgment and liberty of conscience. This they all united in demanding to its fullest extent; and the singular interpretation they gave these terms is a remarkable instance of unanimity among a people who differed on almost every other subject. Each sect claimed exemption from

persecution for itself, because it sincerely *believed* what it professed; but the right to persecute others it by no means renounced, because it *knew* its opponents to be wrong.

The Church of England, on the contrary, which had enjoyed its apostolic succession, its orders of priesthood, and its spiritual independence in all its primitive purity for six hundred years before the aggression of the Roman Pontiff, very properly retained its own original name, to which no other body of Christians had any title whatever.\* She threw off the domination she had been too feeble to resist, and the superstitions and human inventions that had been forced upon her, compiled her Liturgy, and settled her doctrine and ceremonies as nearly as possible in accordance with those she had held in those centuries that preceded the usurpation of Popery. In some or in all of these, furious zealots affected to think they discerned too great a resemblance still subsisting between the two churches, and stigmatized the Prayer-book as antichristian, the surplice as a rag of Babylon, and the Holy Communion as the Mass in English. These Protestants of various shades of opinion were known in Britain under the general name of Puritans, and as schism in spiritual things naturally leads to temporal disobedience, they were very soon regarded (with what truth their subsequent history discloses but too painfully) as disaffected subjects, and treated alternately with suspicion or severity. To this state of things may be attributed in a great degree the settlement of New England.

Individual enterprise had hitherto been found unequal to the task. Mines of gold and silver constituted the main inducement, in the first instance, to explore the country. When the search for the precious metals was relaxed or abandoned, attention was directed to the fur-trade and the fisheries, from which great wealth was derived. But the settlement of the country was a slow and expensive operation, not likely to yield an immediate return, and liable to be frustrated by a variety of circumstances.

One hundred and twenty years had elapsed since the discoveries of Cabot, and every attempt at colonization had failed. Combination, therefore, was resorted to, that success might be insured

\* A.D. 1689. The Upper House of Convocation sent down a bill to the Lower House, where the English Church was denominated a "Protestant Church." The Lower House expunged the word "Protestant," declaring they were not in unison with Protestants.

by a union of means and an increase of the number of adventurers. James the First, who was anxious to enlarge the limits of his dominions, divided all that portion of the Continent that stretches from the 34th to the 45th degree of latitude into two immense provinces, of nearly equal size, and denominated them Southern and Northern Virginia. The first he granted to an association called the London Company, and the second to a number of persons of influence and property known as the Plymouth Company. The supreme government of the colonies that were to be settled in this spacious domain was ordered to be vested in a council resident in England, and the subordinate jurisdiction was committed to local boards. The northern portion, which was surveyed in 1614, by Captain Smith, was named by him New England, and it is to a part of this country only that I shall have occasion to refer, at any length. To allure settlers, the climate and soil were extolled as consisting of a sort of terrestrial paradise, not merely capable of producing all the necessaries and conveniences of life, but as already richly furnished by the beautiful hand of nature! The air was said to be pure and salubrious, the country pleasant and delightful, full of goodly forests, fair valleys, and fertile plains, abounding in vines, chestnuts, walnuts, and many other kinds of fruit.\* The rivers stored with fish and environed with extensive meadows full of timber trees. In the rear of this wonderful coast, and at about the distance of one hundred miles, it was said "there was a vast lake containing four islands, having great store of stags, fallow deer, elks, roebucks, beavers and other game, and offering the most delightful situation in the world for a residence." Whatever this interminable forest might contain, it was certain that the sea that washed its shores was filled with fish, and numerous and valuable cargoes were constantly arriving to silence the doubts and awaken the enterprise of the mercantile community. The distracted and unsettled state of men's minds on the subject of religion led many enthusiasts to think of the country as an asylum, who gladly entered into an enterprise that offered at once the prospect of gain and an exemption from ecclesiastical control. Accordingly, two considerable parties of fanatical adventurers migrated thither—the Separatists of Leyden called Brownists, and English Nonconformists. The former settled at Plymouth, and the latter at Massachusetts Bay.

\* See Belknap's "Life of Ferdinando Georges.

The means, character, and station of these two were widely different, and though they are often considered as one people, and erroneously spoken of under the general name of Pilgrims, it is necessary to bear this distinction in mind. The first are represented as men of great zeal but of little knowledge. Many of the others were gentlemen and scholars, whose humility was not the result of their poverty but their pride. The one had already separated from their Church and quitted their native country before they came to America. The others having more to lose, for they were men of no inconsiderable fortune, were less frank in avowing their opinions and less precipitate in their conduct, and outwardly conformed to the ceremonies of the Established Church until their embarkation. They had not assumed the name of Puritans themselves, nor was it applied to them by others. Their dissent, as well as their real object in emigrating,\* was so well concealed from their co-partners in trade in England, and from the King's government, that they were not only not suspected of schism, but actually intrusted with the duty and enjoined as a condition of their charter to spread the Gospel.

The Separatists of Leyden, on the contrary, were well-known Dissenters, who had fled to Holland to avoid the penalties of the law. They were followers of the celebrated Brown, from whom they derived their name. This enthusiast was a man of quality, connected with several noble families; and the defection of such a person is always hailed with delight by the vulgar, as an evidence of great manliness on the one hand, and as a useful instrument of mischief on the other. Though many others were equally audacious, and far more eloquent and learned, their names have not survived their own generation. To his station alone is he indebted for the remembrance of his guilty secession. He aspired and attained to the honor of founding a *sect*. It was a period when every absurdity found an admirer, but he was determined to go as far as possible, and reached a point beyond which was the precipice that overhangs infidelity. He condemned the government of bishops, the ordination of ministers, and the offices, rites, and ceremonies of the public Liturgy. He maintained that the Church of England was neither lawful nor true, and that all

\* So habitual was their reserve to the English partners, and so effectually did they conceal or disguise their opinions, that at the very time they were plotting the downfall and death of Laud, that prelate assured the King that several bishops, of very extensive dioceses, had reported to him there was not a single Dissenter to be found within their jurisdiction.



Christians were bound to come out of Babylon and join him and his disciples, among whom there was nothing to be found that savored not directly of the Spirit of God.\* Having seduced those infatuated people from their Church, and caused them to fly from their native land, his success satisfied his ambition, and his enthusiasm expired for want of novelty. What was the astonishment of his deluded followers, when they heard that he had recanted his errors, submitted to his bishops, and rejoined the establishment. They then began to observe, what they had either not noticed before or had disregarded as unimportant, that he had a wife with whom he never lived, a church in which he never preached, though paid for the duties, and a congregation whom he neglected though he did not omit to collect and receive his tithes. Revenge quickens the senses, and magnifies every object it beholds. They were astonished at such enormities, and regarded their idol rather as a demon than a saint. They immediately disowned his name, spurned the appellation of Brownists, and called themselves Congregationalists. Their situation at Leyden had become uncomfortable for them, and they were apprehensive they should be absorbed in a foreign population. Their means also were greatly reduced, and they saw no mode by which they could be recruited. They sensibly felt the effects on their zeal of the neglect or indifference of the Dutch.

So long as they were opposed or punished in England, it was easy for their leaders to feed the flame of their sectarian ardor by appealing to their passions as men, and they derived a secret satisfaction in plotting the ruin of their rulers, both in State and Church, and in retaliating upon them the injuries, whether real or imaginary, they suffered at their hands. The moment the union for common defense was dissolved by repose, one great incentive to fanaticism was destroyed. Their vanity was no longer flattered by the sympathy of a crowd who had regarded them as martyrs; and their learning was not such as to attract the applause or even the notice of continental scholars. In this state of depression they turned their eyes toward America, and sending agents to England, they applied to the Virginia Company for a patent of part of their territory, saying "they were well weaned from the delicate milk of their mother country, and inured to the difficulties of a strange land." They assured them they were knit together by a strict and sacred band, by virtue of which

\* Fuller.

they held themselves bound to take care of the good of each other, and of the whole ; and that it was not with them as with other men whom small things could discourage, or small discontents cause to wish themselves at home again. Though their agents found the company very desirous of promoting the projected settlement in their territory, and willing to grant them a patent with as ample privileges as it was in their power to convey, they could not prevail upon the king to give them a public toleration for their dissent, and they returned greatly disconcerted to their sorrowing friends.

The following year they determined to take their chance for toleration, judging very wisely that distance was a sufficient guarantee for their safety, and accepted the patent without pressing their petition to the king for his protection. It was therefore agreed that a portion of them should proceed to America, and make preparations for the reception of the rest. The parting scene is described as an affecting one. Their clergyman, Mr. Robinson, was a pious and exemplary man, and his correspondence with this little body of pioneers shows how much the causes to which I have alluded had softened the feelings and lowered the extravagant language to which they had been accustomed. These letters, which are still extant, do equal honor to his head and heart. His last words of advice to his departing flock prove how deeply he was mortified by the desertion of their leader, and how much opprobrium and ridicule must have attached to them, arising from his return to the Established Church, and his conforming to its doctrines and discipline. "I must advise you," he said, "to abandon, avoid, and shake off the name of Brownists : it is a mere nickname and a brand for making religion and the professors of it odious to the Christian world." Several of their number now sold their estates and made a common bank, which, together with money received from other adventurers who entered into the joint stock speculation, enabled them to emigrate and commence a plantation in due form. On the 10th day of November, 1620, the Leyden adventurers anchored in America, and, late in December, having found a convenient harbor and a suitable spot for settlement, landed and commenced building a village which, in token of their gratitude for the hospitality extended to them by their friends at the last port of embarkation, they called Plymouth.

Finding this place to be beyond the limits of the Virginia company, they perceived at once that their patent was useless ; symptoms of faction, at the same time appearing among the servants on board, who imagined that when on shore they should be under no government, it was judged expedient that before landing they should form themselves into a body politic, to be governed by the majority. After solemn prayer and thanksgiving, a written instrument was drawn up for that purpose, and subscribed on board the ship on the 11th of November, 1620. This contract was signed by forty-one of the emigrants who, with their families, amounted to one hundred and one persons. This singular document is as follows:—"In the name of God. Amen. We, whose names are undersigned, the loyal subjects of our Sovereign Lord King James, &c., &c., having undertaken, for the glory of God and advancement of the Christian faith and honor of our King and country, a voyage to plant the first colony in the northern part of Virginia, do, by these presents, solemnly and mutually in the presence of God and one another, covenant and combine ourselves together into a civil body politic for our better ordering and preservation, and furtherance of the ends aforesaid, and by virtue hereof do enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony, unto which we promise all due submission and obedience." They then proceeded to elect a Governor and choose subordinate officers. Thus did these people find means to erect themselves into a republic, even though they had commenced the enterprise under the sanction of a charter.

In the true spirit of separatists they founded their Commonwealth in disobedience or defiance of royal authority, for they were expressly denied a guarantee for the toleration of Sectarianism, and they commenced their plantation at a place which they knew belonged either to the king or another company. It was a self-created independent democratic government. The office of governor was annual and elective, but their pastor at Leyden very prudently advised them, as their number was so small, to intrust the whole power at first to that functionary, until they were populous enough to add a council and constitute a legislature, quaintly observing: "that one Nehemiah was better than a whole Sanhedrim of mercenary Shemiahhs." Their patent gave

a title to the soil, but prerogatives of government according to the ideas of the English lawyers could only be exercised under a charter from the crown. A considerable sum was spent in the endeavor to obtain such a charter, but without success. Relying, however, upon their original compact, the colonists gradually assumed all the prerogatives of government, even the power, after some hesitation, of capital punishment. No less than eight offenses are enumerated in the first Plymouth Code as punishable with death, including treason or rebellion against the colony, and "solemn compaction or conversing with the devil." Trial by jury was early introduced, but the penalties to be inflicted on minor offenses remained for the most part discretionary. For eighteen years all laws were enacted in a general assembly of all the colonists. The governor, chosen annually, was but president of a council, in which he had a double vote. It consisted first of one, then of five, and finally of seven members called assistants. So little were political honors coveted at New Plymouth, that it became necessary to inflict a fine upon such as, being chosen, declined to accept the office of governor or assistant. None, however, were obliged to serve for two years in succession.\*

They were often not only destitute of money, but equally devoid of credit : for in 1686 having occasion to borrow one hundred and fifty pounds, the risk was considered so great that they could only procure it at the enormous interest of fifty per cent. Nor did the town flourish as was expected from one erected in a country like Canaan. At the end of four years, one hundred and eighty persons inhabited a village composed of thirty-two dwelling-houses where there "strayed some cattle and goats, but many swine and poultry." This was doubtless owing to the uninviting character of the country, and the repulsive austerity of manners of the first settlers ; but more than all, to the mistaken policy of holding their property, not in severalty, but as joint stock. Their poverty, however, proved their best security, by procuring for them a contemptuous neglect, that left them the uninterrupted enjoyment of their little democratic commonwealth until 1692, when it was absorbed by the second charter of Massachusetts, which annexed it to that populous and flourishing province.

\* Hildreth.



## CHAPTER III.

Inducements to settle Massachusetts—Puritans prevail upon the King to give them a Charter, under the Idea that they were Churchmen—Some Account of it—Endicott settles Salem—Disturbs Morton, cuts down May-pole, and calls the Place Mount Dragon—Founds a Church on Congregational Principles—Arrests and transports Episcopalians—Intrigue for removing the Charter to America and Discussion thereon—Reasoning of the Emigrants on the Subject of Allegiance—Removing of Charter—Large Immigrations—Cost of Outfit—Address to the Clergy of England—Character of the Puritans.

THE settlement at Plymouth, and the exaggerated accounts of its condition and prospects spread by the emigrants, to induce others to join them, attracted universal attention. Puritanism had not then assumed a distinct form, although its ramifications were widely spread beneath the surface. It was not deemed safe by that party openly to connect themselves with people, who had commenced their settlement without a title, and were avowedly separated from the Church. It was left, therefore, to its natural increase, and to unconnected and individual emigration. But the leaders of this discontented party saw that something of the kind could be effected upon a large scale, if their real intentions were properly masked in the first instance. There were at that time three objects that occupied men's minds in connection with emigration. First, to avoid ecclesiastical control; secondly, to spread the gospel among the savages; and thirdly, to aid and further commercial pursuits. Each had its advocates, and for each, men were willing to advance the requisite funds, and incur the inevitable risk. The most able, artful, persevering, and influential of these parties were the Puritans. Calling themselves churchmen, they eulogized the liberality, and encouraged the ardor of those who, in attempting to employ a trading company to convert the heathen, exhibited more zeal than knowledge. To those who were inclined to seek their fortunes in the New World as husbandmen, they praised the soil, extolled the climate, and dwelt on the advantage of living in a country exempt from taxes, in the capacity of proprietors, and not as tenants. To merchants who regard trapping beavers with more interest than taming savages, it was only necessary to mention the advantage navigation



would derive from a port in a distant land, where provisions could be procured and ships repaired, or laid up in safety in winter.

It was one of the best vailed, deepest laid, and most skillfully executed schemes to be met with in history. After these three parties were engaged in the work, and had pledged their funds to forward the undertaking, they purchased from the Council of Plymouth all the territory extending from three miles north of the river Merrimack, to three miles south of Charles River, and in breadth from the Atlantic to the Southern Ocean. Their legal advisers, however, expressed some doubts as to the propriety of founding a colony on the basis of a grant from a private company of patentees, who might convey a right of property in the soil, but could not confer the jurisdiction or privilege of governing that society, which they contemplated to establish. As it was only from royal authority such powers could be derived, it became necessary for them to lose no time in making their application to the king. But how was he to be won over and cajoled? They were aware that he was open to flattery, but they knew also that he was suspicious of Low Churchmen, whom he very justly considered as little better than Dissenters; that he was surrounded by able counselors, and alive to his own interest and that of the State. The task was a difficult one, but as its success was indispensable to their future objects, they approached it with the firmness and courage of determined men. With the most unblushing effrontery they spoke to him of their dear Mother Church in terms of great affection and regard, enlarged upon his duty to christianize the heathen, who all over the world were falling a prey to the Jesuits, while discontented Protestants were quarreling about small matters of forms. They descanted with great apparent sincerity upon the danger of leaving the Continent open to other nations to intrude upon, and portrayed in glowing terms the vast advantages that would accrue to his Majesty's treasury from an increase of commerce. The king was delighted to find that the doubts he had entertained of the loyalty and orthodoxy of some of the company were groundless, and the offer to extend the limits of his dominions, to plant his Church in America, and, by stimulating commerce, to add to his revenue (which was very inadequate to his wants), was too agreeable to be refused. A charter of confirmation was, therefore, granted to his loving subjects, dated 4th March, 1628.

By this patent the company was incorporated by the name of "The Governor and Company of Massachusetts Bay, in New England," to have perpetual succession, to choose a Governor, Deputy Governor, and eighteen assistants, on the last Wednesday in Easter Term yearly, and to make laws, not repugnant to those of England, "whereby," to use the words of the king in the patent, "our said people inhabiting there may be so religiously, peaceably, and civilly governed, as their good life and orderly conversation may win and invite the natives of that country to the knowledge and obedience of the only true God and Saviour of mankind and *the Christian faith, which, in our royal intention, and the adventurers' free profession, is the principal end of this plantation.*" The governor and assistants were required to administer the oaths of supremacy and allegiance to all persons who from time to time should go thither. As a compensation for the great outlay which they would necessarily incur in so onerous an undertaking, they were exempted from all taxes and subsidies for seven years within the colony, and from custom duties in England for the space of twenty years.

While these negotiations were going on, the company dispatched a small party under Endicott, an active and zealous agent, but an imprudent and violent man, to select a place for settlement. The part he made choice of was known by the natives as Hanekeag, which, according to the affectation of his sect, to employ the language and appellations of Scripture in the common affairs of life, he called Salem. He was particularly cautioned not to commit any rash act at that juncture, as it was the intention as well as the interest of the association, "to keep an *obsequious eye* to the State;" his first measure, however, was an illegal invasion of a neighboring plantation. A man of the name of Morton resided not far off, on lands held under a patent from the same Great Plymouth Company, from which they themselves derived their title. This place, in a most godless manner, he ventured to call "Merry Mount," and decorated it with a may-pole, the first real "liberty staff" ever erected in New England. Such a scandal in the eyes of this rueful agent justified invasion. He and his party proceeded thither, removed the abomination, and threatened to disperse the people whose profaneness shocked his own associates, and set a dangerous example to the savages. To testify his horror at their impiety, he named their abode "Mount Dragon."

Among those who soon after joined Endicott, were two gentlemen of the name of Brown, men of large property, original patentees, and of most unexceptionable conduct. Duped by the professions of the Puritans, who called themselves Episcopalians, who spoke of the Church as "Their dear Mother," who avowed their motives to be the advancement of religion, and had accepted the charter on condition of taking the oaths of supremacy and allegiance, they never for a moment supposed they could be the victims of treachery. They were appointed councilors to Endicott, who had been advanced to the rank of governor, and were especially recommended to his "favor and furtherance." They had sincerely at heart one of the main objects of the association, and the only one that had induced them to take any interest in the company, the evangelizing the heathen. To their horror they soon found they had been entrapped into a sectarian league, in which it was difficult at that time to say whether trade or puritanism was most predominant. But it was manifest to them that instead of there existing any intention in the local board to spread the Gospel, their object was to confine it within the smallest possible limits, as in their opinion a chosen people, like themselves, were the best depository for that which was designed rather for the elect, than for mankind.

The governor had been advised by the separatists at Plymouth, to lose no time in organizing a Church, and accordingly a confession of faith was drawn up, and signed by him and his party. In this first transaction, they displayed the extent of the innovation at which they aimed. They elected a pastor, a teacher, and an elder, whom they set apart for their respective offices by imposition of hands of the brethren; and they resolved that no person should thereafter be received into communion, until he gave satisfaction to the society with respect to his faith and sanctity. The form of worship they instituted was without a liturgy, disencumbered of every superfluous ceremony, and reduced to the most extreme standard of Calvinistic simplicity. The Browns, however, and their friends met as usual on Sunday, and read the service and offices for the day from the Prayer-book. For this offense they were summoned to appear before the governor, and answer for their contumelious conduct, and heretical doctrine. At the time appointed they expostulated with their bigoted and arbitrary ruler. They told him they were Episco-

paliars (as they had believed, when they entered into the association, every other member was); that they thought so wide a departure from the charter and their oaths, as exhibited by the covenant which they had so recently executed, would lead to the lowest forms of dissent, and eventually terminate in the loss of their patent. At all events, they said, to belong to the National Church was not a criminal act in any part of the king's dominions; that their charter *reserved* to them all the rights of British subjects, and above all, expressly forbade them from making any law repugnant to those of England.

They were given to understand in very violent language, that they were not in Europe, but in America, and that though they might be right as to its not being illegal to profess the doctrine of the establishment, yet creating divisions (which separation did) was a serious offense, and very dangerous in its tendency. They were accordingly sentenced to close confinement, and to be transported back to London by the first vessel. While their persons were thus secured, their desks were forced, and their letters to their private friends abstracted, for the purpose "of preventing the reputation of the colony from being injured." Bancroft, their devoted admirer and apologist, thus condenses the reasons of the colonists for this persecution.\* "Should the emigrants give up the very purpose for which they had crossed the Atlantic? should hierarchy intrude upon their devotions in the forests of Massachusetts? They deemed the co-existence of prelacy and their liberty impossible. Anticipating an invasion of their rights, they feared the adherents of the establishment, as spies in the camp, and the form of religion from which they had suffered was repelled, not as a sect but as a tyranny. They were banished from Salem because they were Churchmen. Thus was Episcopacy first professed in New England, and thus was it exiled."

On their release in their native country, the Browns remonstrated bitterly against the perversion of the charter by so gross an outrage committed on themselves. The company, with a caution and adroitness that never forsook them, and ever after formed their most striking characteristic, stifled the complaint by having it referred to arbitration, and escaped animadversion by withdrawing it from public discussion.† The Browns found in

\* History of the United States, vol. ii. p. 349.

† Hutchinson says the result of this reference is not known.



the course of these proceedings the whole aspect of affairs changed. Many of the original shareholders had sold out or lost their interest in the speculation. Every thing was managed with such secrecy by a few influential members, that it was manifest some very serious and dangerous plot was in agitation, and they quitted the company in disgust. Their suspicions were soon justified, by one of the most singular events in the history of England, and by far the most important one in that of America, the fraudulent and clandestine removal of the charter to Massachusetts.

We have seen how the king and the Church were duped as to the real objects of the association. The merchant adventurers were equally deluded. Their contributions were spent in founding a colony; no trade was ever carried on for their joint account, or ever intended to be, and at the end of seven years the partnership was closed and no dividend whatever declared, or any compensation made to the unfortunate absentees by those who had possessed themselves of the whole property. The repeated instances of duplicity in which they had succeeded, paved the way for the seizure of the patent, an act that surpassed them all in boldness of design and dexterity of execution. Several persons of station and means attached to the party who, as it has been well observed, "feared more than they suffered," privately tampered with the governor, Mr. Craddock, and offered to emigrate with their families provided the charter could be removed with them. With this important instrument in their hands, three thousand miles away from the Star Chamber and visitorial power of the king, they said they would feel secure from intrusion. Craddock, knowing how much better their affairs would be managed by a local administration, fell into their views, and at a meeting at the general court in London, in 1629, proposed to the board "for the advancing the plantations, for the inducing of persons of wealth and quality to remove thither, and for *other weighty reasons*, to transfer the government to those who shall inhabit them, and to continue no longer the same subordination to the company here."

Such an extraordinary proposition naturally led to a warm debate. Those who were not in the plot were taken by surprise, and argued the point as if it had not been predetermined upon.\*

\* Hutchinson (vol. i. p. 18) says, "It is evident from the Charter, that the original design of it was, to constitute a corporation in England like to that of

They said their charter, like those of all other trading associations, and especially like that of the East India Company, was intended to be kept, and its officers to meet in England; that to remove it would be utterly useless, for it was not a constitution, but a corporation, and wholly inapplicable to the purposes of a civil government, which it never contemplated; that it contained no provision for a judicature, or executive body, or a legislature; that a whole people, though freemen, could not assemble four times a year, and there was no power of delegation given to them; but above all that it was a flagrant act of usurpation, and a daring attempt to infringe upon the king's rights. The conspirators affected to be strongly impressed with these powerful reasons, and said there was so much weight in them that they would consult counsel, and for that purpose adjourned the meeting, having first agreed, however, "To carry the matter secret, that it be not divulged."

This opposition and delay having been foreseen, was provided against. They had taken the precaution to retain a puritan lawyer, of the name of White, whose knowledge seems to have been on a level with his honesty, who had an opinion on the subject already prepared; and at the next court it was resolved "That the government of the colony be transferred to New England." This decision, however, was far from being satisfactory to all the members. There were many present who had adventured their money, that had no idea of emigrating, and who did not like to have both their property and patent transferred to another hemisphere. An attempt to compromise was made by resolving that "the government of persons" should be established in Massachusetts, and "the government of trade and merchandise" be retained in London. Professions and promises were so familiar with the conspirators, that they obtained their purpose by resorting to them now. The "planters" undertook and en-

the East India and other great companies, with power to settle plantations within the limits of the territory, under such forms of government, and magistracy, as should be fit and necessary." Bancroft (*Hist.* vol. i. p. 384), speaking of Sir Harry Vane, says, "His clear mind, unbiassed by previous discussions, and fresh from the public business of England, saw distinctly what the colonists did not wish to see, the really wide difference between the practice under their Charter, and the meaning of the instrument on the principles of English jurisprudence." Kent and Story are of the same opinion, and so is Robertson. See his "*History of America*," vol. iv. p. 282. Indeed the only wonder is, that any person could be found to think it even admitted of a doubt.



gaged with the "adventurers," for so the respective resident and non-resident parties were designated, to divide the whole joint stock, with all its vast accumulations, at the end of seven years, and pay over or assign to each proprietor his respective share. A fortune at the end of seven years they considered better than a present quarrel, and they yielded. It was the last they ever saw of the emigrants, and all that they ever heard of their transatlantic stock.

Such has ever been the fate of a union between hypocrisy and avarice. The regular habits, devout conduct, and high professions of the former, seldom fail in obtaining the control of the funds, and the temptation to appropriate them is too strong for simulated honesty. However humiliating to sectarians the fact may be, it must be admitted that dissent thus set the first example of absconding to America with partnership effects. Having equally deprived the king, the Church, the savages, and the "adventurers" of their rights, it was necessary now to delude themselves, and silence, if possible, their own scruples, if their doubts deserve such a respectable name. A new, important, and very difficult question arose for their consideration, in what relation were they to stand to the mother country? Most of the proprietors held that they had a perfect right without any charter from the crown, to establish such sort of government as they thought proper, and to form a new commonwealth, as fully as if they were in a state of nature, and were making their first entrance into civil society.

Men who can justify a separation from their Church, and see no sin in schism, can soon satisfy themselves that fealty is a local, and not a general duty. With respect to implied allegiance, the only true and sensible view of the matter, it was argued, was that subjection was of two kinds, necessary and voluntary. From actual residence within any government, there naturally arose an obligation to submit to the laws and authority thereof. But birth was no necessary cause of allegiance. The subjects of any prince or nation had a perfect right to remove to any other state or part of the world, unless their own country were weakened or exposed by such removal, and even in that case if they were deprived of liberty of conscience it would justify a separation, and upon their departure their co-relative obedience determined and ceased altogether. The country to which they were about to

remove was claimed and possessed by absolute princes, whose title to the lordship and sovereignty thereof had been acknowledged by kings of England, by purchasing some portion of their territory; this they also proposed to do, and then they would stand in their place, as original and independent proprietors of the soil. It was obvious, therefore, they said, that as their migration from England would terminate their necessary civil subjection, their patent would be a great protection, not merely from foreign aggression but from the king himself; for at most it would only create a voluntary sort of dependence, and if any question should arise as to its nature and extent, it must be decided by the document itself. Their situation, and that of the people of London, it was argued, was widely different. The compact between the sovereign and the inhabitants of that city, as contained in its charter, was not the origin of their allegiance, but their actual residence, and so soon as any of them removed out of the kingdom, that necessary subjection immediately changed its nature, and became optional.

Now what would be the character of the new relation in which they would stand to the king? for that was an important question. It was, they said, simply an understanding, not to subject themselves to, or seek protection from any other princes, and this they were willing to promise. Having silenced or satisfied their apprehensions by this mode of reasoning, and assured themselves that accepting their patent involved no compromise of this liberty, they set themselves to work in earnest to prepare for embarkation. A fleet of fourteen sail was assembled for the transportation of fifteen hundred passengers, and on the sixth day of July twelve of the ships arrived at Massachusetts Bay, conveying the governor, the officers of the Commonwealth, and the charter. The expense of this equipment amounted to twenty-one thousand two hundred pounds sterling.\*

On the 19th of October, 1630, the first General Court was held at Boston, where the charter was produced, and publicly read to the assembled people, amid the most profound silence, and listened to with the deepest emotions of veneration and delight by those whose independence its removal had effectually secured. This was the commencement of the republic of Massachusetts.

\* The expense of settling this colony amounted, during the first twelve years, to two hundred thousand pounds. See 1st Douglas, 428.

It was founded on democratic principles, guarded with the most zealous vigilance, and supported and extended with cautious, but determined resolution; when they surveyed their situation they felt assured they had nothing to fear from within. They were all democrats, and alike hostile to the Church and State they had so cheerfully abandoned at home. But when they reflected on their isolated situation, the inadequacy of their means to such a vast undertaking as settling a community of strangers in a wilderness, the distrust with which they knew they would be regarded by the Church, and the indignation which the removal of their charter would naturally excite in the Court, they were alarmed, but such was their courage and self-reliance, they were not dismayed or discouraged. They apprehended danger from three sources, the Crown, the Hierarchy, and the Parliament, as they were equally dreaded, and hated; they continued until the close of the war of independence, in 1783, to be objects of their peculiar aversion.

The deception practiced by these people throughout the whole of their negotiation in England, seems to admit of no further addition, but their very last act was to publish a manifesto to the clergy of the Established Church, assuring them that they were in fact and in heart members of the same communion, and solicited their prayers and their blessings on this undertaking. They entreated them to believe, to use their own words: "that they esteemed it their honor to call the Church of England their dear mother, and they could not leave the country where she resided without tears in their eyes. We leave it not, therefore," they said, "as loathing that milk wherewith we were nourished there. But blessing God for the parentage and education, and as members of the same body shall rejoice in her good, and while we have breath, sincerely desire and endeavor the continuance and abundance of her welfare, with the enlargement of her bounds in the kingdom of Jesus Christ,"\* and much more to the same effect. History can scarcely furnish such an instance of consummate hypocrisy.

The accounts of their early settlement in general circulation are chiefly those written by themselves or their descendants, who are their eulogists. Such being the case, truth can only be as-

\* See the original letter in Book II. Chap. 7, of this work.

certained by a careful examination of original documents and obsolete contemporaneous works. They were always anxious to be considered as martyrs, and laid claim to all that is noble in conduct, exalted in principle, and pure in religion, while the sovereign whom they duped, has been represented as a tyrant, and the prelates, whom they publicly flattered and privately traduced, have been held up to the world as cruel and senseless bigots. There was no doubt much in the conduct of the king that can not be justified, and in the hierarchy of the day that is deeply to be regretted, but rebellious subjects compel monarchs to be cruel in self-defense, and a priest may well be excused, if he thinks schism aggravated by deception and falsehood.

The object of this extraordinary manifesto is evident enough, but neither the persecution of the old, nor the possession of the new world, justifies them in sacrificing that, without which life in either hemisphere would find no security but in brute force. It has been said in extenuation of their conduct, that they had not formally seceded from the Church, at the time they circulated this valedictory address. The answer is, Congregationalism they knew had already been adopted at Salem before they left England, by their agent Endicott, and subsequently confirmed by their approbation. And, furthermore, that as soon as they could possibly devote a day to it, from their indispensable duties, they again established it at Boston and Cambridge, with the utmost unanimity among the people, and the consent of every man that signed that touching appeal to their "Dear Brethren."

Such were the people who laid the foundation of republicanism in America. There is much in their conduct to admire and applaud, and much to reprove and condemn. The bright lights and dark shades of their character are in such contrast, that, to do them justice and preserve the impartiality of history, it will be difficult to avoid the charge of inconsistency, so different must the language occasionally be, that is extorted by truth on the one hand, or awarded by slander on the other. If, therefore, the mood of panegyric, to which they are often justly entitled, shall seem irreconcilable with the terms in which their duplicity, obstinacy, and cruelty are denounced, it must be recollected that their defects, no less than their virtues, contributed to form that indomitable character for dogged resolution, without which they never would have been non-conformists in England, or republi-



cans in America. To overlook these distinctions would betray a total ignorance of human nature ; to attempt to palliate or conceal them, would lead to the suspicion that disingenousness is infectious, and that it can not even be contemplated without danger. They have alternately been the subject of extravagant eulogy, or unmitigated abuse, according to the medium of religious or political prejudice, through which they have been viewed. Nothing can be further from the truth than either of these extreme opinions. Their character, like that of most men, was mixed, but unlike that of any other people, was distinguished for qualities so totally opposite, and yet so strongly developed and so powerfully contrasted, that it is difficult to imagine how they could be combined without neutralizing each other. Their conduct exhibits so much despotism, and so ardent a love of liberty, so great a degree of superstition, and so much practical good sense, such refined casuistry, and Jesuitical double-dealing, united with extraordinary frankness and manly behavior, so little regard for the form of jurisprudence, and so warm an attachment to constitutional law, so much impatience of restraint or interference from others, with such a strong predilection to intermeddle with or control their neighbors, that general terms are manifestly inapplicable to them. Their acts must be separately considered, and severally praised or censured according to their deserts. In searching for the causes that led to the formation and development of this extraordinary character, we must regard their condition in their native country, and the circumstances that moulded their opinions, and called forth the peculiarities that I have alluded to.

At the period of their leaving England, the great majority of them, though conforming to the Established Church, were at heart dissentients, having undergone the probation of complying, but not agreeing ; obeying but not respecting ; combining but not uniting ; assembling in churches where every thing that they saw or heard shocked them as unscriptural and superstitious, using the Prayer-book but rejecting it as papistical, listening to clergymen whose authority they despised and whose doctrine they denied ; and above all, to bishops whom they believed to be neither Papists nor Protestants, but amphibious beings clothed in all the frippery, and practicing all the mummery of the first, without possessing their antiquity or authority, and yet claiming

to belong to the other, without having the purity of their doctrine, the simple rigor of their discipline, or the independence of their self-government. Nothing can be more destructive of true piety, ingenuous conduct, and simplicity of mind, than insincere conformity, when either adopted from prudential motives, or submitted to from compulsion. Pretending to be what we are not, and holding out ourselves to the government or to the world as Churchmen, when in reality we are Dissenters or Romanists, is, in fact, hypocrisy, and no man can long wear that garb, without a total change in his character. The essence of hypocrisy is falsehood. If a man inclines to the belief, that simulated compliance with unsound doctrines, or unscriptural churches, is defensible, he naturally seeks for plausible reasons to satisfy his own scruples, and if he succeed in deceiving himself, the inevitable tendency of his mind is to attempt to deceive others.

Dissent is progressive. When privately indulged for any length of time it grows too burdensome for a secret, and requires to be acknowledged, and when announced it assumes a new name and a new form, and ripens into secession. Its waters, however, are then drugged with bitterness and strife, and whoever drinks of them soon finds their baneful operation on his temper, on the affections of his heart, and in all his social relations of life, while he experiences a sympathetic change on his political creed, and becomes familiarized with violent and seditious measures. Demanding a charitable construction on his own motives and conduct, he is not willing to concede it to others; and as people seldom forgive those whom they have injured, he views the members of the church he has left with all the acrimony of an enemy, and all the vindictive energy of an insulted and outraged friend. To the forced compliance or voluntary nonconformity of the Pilgrim Fathers, as well as the cold Calvinistic tenets of their faith, may be traced their austere manners and gloomy dispositions, their subtle reasoning and adroit evasions, their unrelenting persecutions, numerous banishments, and barbarous executions, their unmitigated hatred of episcopacy, and deep-rooted aversion to monarchical institutions. On the other hand, their patience under toil, privation, and suffering, their indomitable courage in resisting the numerous enemies, and overcoming the many difficulties with which they were surrounded, their energy, industry, and enterprise, their love of independence, their hospitality, benevo-



lence, and public and private liberality, the unity that prevailed among themselves, their brotherly affection for each other, and many other correlative qualities, are attributable in part to the Anglo-Saxon stock from which they sprang, and in part to the requirements and incidents of a forest home in a new world. But their frugality, temperance, purity of morals, simplicity of manners, respect for the authorities of their little State, both civil and religious, and similar virtues, were all their own.

Such a careful analysis is due both to their character, and the faithfulness of this narrative. In order to make that intelligible, which is otherwise irreconcilable, it is necessary to seek for the springs of action that lie beneath the surface, for conduct can only be duly appreciated by its motives, and effects be fully estimated by tracing them to their real causes.

## CHAPTER IV.

Reasoning of the first Settlers as to their Independence—The Colony becomes a Republic from Necessity—Oaths of Supremacy and Allegiance dispensed with—They decline to set up the King's Arms—Mutilate the Flag—Drinking Healths abolished—Blackstone's Remarks about the Lord's Brethren—Order that none but Church Members be admitted to be Freemen—Another, forbidding a Stranger to settle in the Colony without a License—Petitioning the King called slandering the Brethren—Punishment of Morton, Sir Christopher Gardener, and Ratcliffe—Morton publishes a Satire at Amsterdam—Returns to Massachusetts—Is fined and banished again—Intimate Connection between their Church and State—The King orders several Vessels in the Thames to be put under Embargo—A House of Representatives meets in Boston, and is admitted as a Branch of the Legislature—The Governor is not re-elected, and is made to account for his Expenditure of the public Moneys—His manly Conduct on the Occasion—A Code of Laws ordered to be compiled—Also a uniform System of Church Discipline.

HAVING traced the origin of this republic, and its history to the removal of the proprietors and their charter to New England, I shall now give a brief sketch of their resolute and systematic defense of their independence until the year 1686, when the patent was revoked. We have seen that they apprehended aggression from three sources, the Crown, the Hierarchy, and the Parliament. It will be instructive to show with what courage they resisted, or what ingenuity they evaded compliance with the authority or claims of all. Their conduct in this particular was not the result of accident, or of public distractions in England, or of their remote and isolated situation, though all contributed to favor their object, but it was a predetermined and well-concerted plan. They had paid a large sum of money to the Council of New Plymouth for their territory, they had fortified their title to the soil by purchases from the Indians, and they affected to believe that if the fortuitous circumstance of prior discovery had conveyed any right to the Crown, the king had formally surrendered it by the charter, in consideration of the conditions contained in it. They regarded it, therefore, as peculiarly their own country, and they were unwilling to allow any interference whatever from any quarter. The form of the grant of incorporation caused at first some embarrassment, by its total want of adaptation to the pur-

poses to which it had been so unexpectedly applied. But as it was based on general election, and the governor and assistant were chosen by the freemen, all power centred in the people, and the moment the government was organized, it naturally, and of necessity, became a republic. Whatever authority the general court exercised, was delegated by qualified voters, and the officers they appointed received their commissions from those whom they empowered to issue them. The fundamental principle, therefore, of this little commonwealth was originally the same as that which now distinguishes and animates the individual States and great Federal Republic of the present day—namely, that the people are the source of all power.

At first, little could be done in matters of legislation, when the individual wants and general weakness of the whole community required the personal and continued exertion of all its members. The governor, his deputy, and four assistants, were appointed justices of the peace, with the same powers exercised by persons holding similar situations in England. A court of civil and criminal jurisdiction was also created, consisting of the higher officers of the corporation. In the absence of all statute law, the Bible was substituted as a model and guide. In organizing the judiciary, a difficulty arose as to the nature of the oaths. The customary form of acknowledging the royal authority was evidently inapplicable, for the people, and not the king, was supreme, and his name, therefore, was very quickly dispensed with. The oath of allegiance required some consideration, not whether it should be adopted, for that was not to be thought of, but whether it could be so qualified as to consist with their own independence, or be made contingent on residence and protection.\* Sins of omission are so much safer than sins of commission, so much more difficult of detection, and so much more capable of explanation when discovered, that it was deemed prudent to omit it altogether, and to substitute one of fidelity to the local government instead. The king's arms were not only liable to the same objections, but had no warrant in Scripture; and a tender conscience supplied a better reason for declining to set them up, than the silence of the charter, or their own repugnance. The royal colors were no less exceptionable. To substitute new ones would be to hoist a flag

\* See an abstract of laws prepared for Massachusetts, by Mr. Cotton.

of independence, which it was far more prudent quietly to maintain than openly proclaim, but there was no valid objection why they should not be altered in such a manner as to retain their form and general appearance, and yet destroy their identity.

Their ministers suggested a mode of mutilation that would effectually answer their purpose, and a reason for their conduct which rendered it an imperative duty. They told them the cross was a relic of Romish superstition, and as such must be removed, if they were desirous of securing a blessing on their undertakings. The uninitiated militia at first refused to muster under this "new-fangled flag," but when its unscriptural character was pointed out to them, they admitted the propriety of the alteration, and the cross was accordingly condemned as unlawful. Foreign gold and silver coins marked in a similar manner could not be so conveniently defaced, and were suffered to pass current without objection. They were unobtrusive, and, humanly speaking, merited toleration by their intrinsic value, but when weighed in the balance with political and religious principles, were found wanting, and treated as mere dross, unworthy of the consideration of a people who had forsaken Mammon, and crossed the Atlantic to preserve and perpetuate the true faith.

Thus we see how carefully they abstained at the very outset, from all recognition of the power of the Crown, either directly or indirectly. Drinking to the health of each other at table, as it was followed by toasts, and long usage had sanctioned the priority of the king's name, with the usual benediction of "God bless him," it was thought advisable to abolish, as it would, as a matter of course, cause a discontinuance of the other practice, which might be a snare to those whose intimate associates in England thought no harm in usurping his authority, and could see no sin in compassing his death.

They were now a sovereign people, but the exercise of such unlimited power was new to them, and this novelty, as yet wholly unrestrained by constitutional checks, increased their impatience of individual resistance, which is at all times the natural tendency of a democracy,\* and made them both arbitrary and vindictive in their conduct. An English Dissenter of the name of Blackstone, whom they found living at Boston, and claiming it by

\* Hubbard's New England, Chap. xxvi. Wonder Working Providence, 39.

virtue of his discovery and possession, was soon made to feel the difference between republican and royal compulsion ; and on quitting the community, remarked, in the bitterness of disappointed feeling, "that he had left England because he did not like the Lord's Bishops, but that he should now leave them, for he could not stand the Lord's Brethren."

The first emigrants who had a community of feeling both on political and religious matters, were resolved that their country should not merely be independent, but that its government should be freed from the interference of any new-comers who entertained different opinions from themselves. Dissent they knew they could deal with, but they knew also, that members of the Church of England, if allowed to obtain a footing among them, would, as a matter of course, acknowledge the king to be their sovereign, keep him informed of their usurpations, and be protected in their worship. They therefore at this early date, 18th of May, 1631, enacted in "order that the body of the commons might be preserved of good and honest men," that no person should be admitted to the freedom of the company, but such as were members of some of the churches established by law. So effectually did this check the introduction of Episcopalians, that during the whole continuance of the Charter, not a single congregation was collected in all Massachusetts.

This bold attempt at exclusive sovereignty, is thus lamented by Leechford: "None may now be a freeman of that company unless he be a Church member among them. None have voice in elections of governor, deputy, and assistants, none are to be magistrates, officers, or jurymen, grand or petit, but freemen. The ministers give their votes in all elections of magistrates. Now the most of the persons at New England are not admitted of their Church, and therefore are not freemen, and when they come to be tried there, be it for life or limb, name or estate, or whatsoever, they must be tried and judged too by those of the Church, who are in a sort their adversaries. How equal that hath been or may be, some by experience do know, others may judge." Another law was passed in the year 1767, having in view the same object: "That none should be received to inhabit within the jurisdiction, but such as should be allowed by some of the magistrates," and it was fully understood, that differing from the churches established in the country, was as great a disqualifi-



cation as any political opinions. In defense of this order, it is advanced that the apostolic rule of rejecting such as brought not the true doctrine with them, was as applicable to the commonwealth as the Church, and that even the profane were less to be dreaded than the able advocates of erroneous tenets.\*

Complaints they could not prevent, nor could the right to petition the Crown be openly impugned but by creating a new offense, that of accusing the brethren; no one could petition without being guilty of this crime. They therefore forbore to press a man to trial for memorializing the king in council, but they charged him with slandering the brethren, and held him liable to fine, imprisonment, or corporal punishment, or all three, for this petit treason. The intercourse with Europe was then so limited, and the distance so appalling, that public attention in England was not attracted for some time to this glaring usurpation. Morton, who had the temerity to erect his May-pole again on land not within the jurisdiction of Massachusetts, was seized by the governor soon after his arrival, put into the stocks, and transported to his native country, where, we are very gravely informed by Prince, "he was not even rebuked." He was imprudent enough to return after his property had thus been invaded, and himself imprisoned and exiled, but was soon made sensible of his rashness. The governor, affecting to espouse the cause of an Indian, who disputed his right to the possession of a canoe, arrested him, burned down his establishment, and confiscated his estate, to pay for the expense of conveying him to England.

In London he was joined by two other victims of their cruelty and oppression—Sir Christopher Gardner and Philip Ratcliffé, who united with him in petitioning the king for redress. The former had been sent out by Sir Ferdinando Georges, as his agent, for the protection of a large territory he had purchased, adjoining that of the colony of Massachusetts. Whatever his religion may have been, one thing was certain, he was not a Puritan. As a stranger wholly unconnected with the colony, it was not a question for their consideration whether he was a Romanist or a Churchman; but they assumed the fact that he was a Papist, and ordered him to be arrested. Knowing their cruelty, and fearing the result, he preferred trusting to the hospi-

\* See Minot, *Hist. Mass.*, vol. i. p. 29.



tality and protection of the savages, and arming himself, fled into the wilderness. The Indians, not without some difficulty, were bribed to give up to his unrelenting pursuers their confiding guest, and seizing an opportunity, when deprived of his sword and his gun, by the upsetting of his canoe, they attacked him while in the water, and with long poles beat him so severely over his hands and arms that he was compelled to relinquish the hold of his dagger (which was his only weapon) and surrender himself a prisoner. He was first taken to the jail in Plymouth, and then removed to that of Boston, from whence he was sent to England. In the mean time his papers were seized and examined, and such of them as were thought of service in developing the plans of his employer, Sir Ferdinando Georges, were retained.

The other complainant was Philip Ratcliffe. He had been a servant of Craddock, the first charter governor, and falling ill in his employ, on his recovery demanded wages from the agent of his master for the time he had been disabled. Disappointed in his expectations, he made some disparaging remarks about a people whose conduct so little comported with their professions. For this offense he was fined forty pounds, severely whipped, shorn of his ears, and banished forthwith out of the jurisdiction.

On the complaint of these people, an order in council was issued for an investigation, but the inquiry was deferred for the time, by the artful management of the principal associate, and by the secret assistance of some of the council, who were favorable to the cause of Dissenters. The committee of inquiry were informed that the company ought not to be punished for the conduct of some of its members; that if there were any causes of complaint, they could only be proved or explained by witnesses from the colony, but as they were at that time sending them some indispensable additional supplies (three Nonconformist ministers\*) any suspension of the operations of the company would be attended with the most disastrous consequences.

Strange to say, this reasoning prevailed at the time to defeat the just claim of the petitioners for redress. The success of this deceptive conduct astonished every body, and none more than the governor and assistants themselves; for they were not only honorably acquitted, but actually applauded. They were as-

\* John Cotton, Thomas Hooker, and Samuel Stone.

sured by the king's government they might go cheerfully on with their present undertaking, and, "if things were carried *as was pretended when the charter was granted*, his majesty would maintain the liberties and privileges of the company." Morton appealed from the king in council to the public. He published at Amsterdam in 1637, a work entitled "New English Canaan," in which, with more elegance of composition than was usual in those days, he ridiculed the Separatists with a severity that bespeaks the extent of the injury he had sustained at their hands. He is also said to have furnished Butler with the anecdote he has so inimitably told in *Hudibras*,\* of the people of Plymouth having appeased the anger of the Indians for a murder of one of their people by hanging a bed-ridden innocent pauper instead of the real criminal, who, besides being a saint, had an additional claim to their clemency from being the only expert cordwainer in the place.

This story, which has been generally considered to have had no other foundation than the imagination of the poet, there is unhappily some reason to fear was but too true. Hubbard, himself a Puritan minister, living near the scene, and old enough†

\* *Hudibras*, Part ii. Canto 2.

"That sinners may supply the place  
Of suffering saints, is a plain case,  
Justice gives sentence many times,  
On one man for another's crimes;  
Our brethren of New England use  
Choice malefactors to excuse,  
And hang the guiltless in their stead,  
Of whom the Churches have less need,  
As lately 't happened: In a town  
There lived a cobbler, and but one,  
That out of doctrine could cut, use,  
And mend men's lives as well as shoes.  
This precious brother having slain,  
In times of peace, an Indian,  
The mighty Tottipotymoy  
Sent to our Elders an envoy,  
Who called upon the saints to render  
Into his hands, or hang th' offender.  
But they maturely having weighed  
They had no more but him o' th' trade,  
Resolv'd to spare him; yet, to do  
The Indian, Hogam Mogam, too,  
Impartial justice, in his stead did  
Hang an old weaver that was bed-rid."

† He was born in 1621.

to have traced its authenticity, has not ventured in his history of New England to give it an unqualified contradiction. The inhabitants of Plymouth, he says, tell the story much otherwise. But if they were driven by necessity to do justice to content the Indians at that time, it is possible it might be executed, not on him that most deserved, but on him that can best be spared, or who was not like to live long if he had been let alone.\*

It is almost incredible that with this sad experience of their persecuting spirit, Morton should have ventured among them again; but his perseverance was equal to their own, and they were amazed at beholding him there for the third time. He was instantly arrested, and a letter, written by him from London to a friend in the colony, intercepted by the governor (in which he calls him "King Winthrop," and inveighs against his "Amsterdam and fanatical ordinances") was produced against him. He was forthwith convicted of sedition, fined a hundred pounds, and banished again from the colony. To console him under his afflictions, he was told he had great reason to be thankful for the mercy of the court, as nothing but his great age had saved him from the whipping-post.† Ratcliffe became a lunatic from the cruel treatment he received, and Sir Christopher Gardner very prudently gave up the contest.

This severe conduct was applauded by the ministers, by whom toleration was preached against as a sin in rulers, that would inevitably bring down the judgment of Heaven upon the land. "He that is mounted in the saddle," said one of their divines, "had need keep the reins straight, unless he intends to be thrown down and trodden under foot; they are the ministers of God for the good of mankind, and should not bear the sword in vain."‡

The power of the clergy was irresistible. At the first Court of Assistants, an Act was passed for building houses for them at the public expense, by which they became indissolubly connected with the State. By the operation of the two laws, I have already alluded to, namely, that no man could be qualified

\* Fifth Vol. Mass. Hist. Coll. Second series, p. 77.

† Hutchinson's History, vol. i. p. 75.

‡ Notice was that year taken of an impudent affront one Captain Stone offered to Mr. Ludlow, one of the magistrates, calling him just-ass, for justice: it cost the offender one hundred pounds and banishment. *Hist. Col., vol. v. Second series*, p. 157.

to vote, or be elected to office, who was not a Church member, and that no Church could be formed but by a license from a magistrate, the civil and ecclesiastical affairs were more intimately combined than in England. The granting or withholding political rights being thus centred in the ministers, the leveling propensity of Congregationalism was curbed and restrained by this new power, and all were compelled to submit and pay court to the very men it was their original intention to have divested of all authority. Bigotry, intolerance, and hypocrisy were infinitely increased and aggravated by this extraordinary alliance. The preachers were consulted on all affairs of State and legislation, were often present at the passing of laws, and lent their powerful aid to have them executed.

The attention of the king was again called to the colony of Massachusetts. He was informed that there was a great stream of emigration flowing steadily thither, of persons known to be ill-affected to him, his church, and government. An order was accordingly issued by the Privy Council to stay several ships in the Thames, ready to sail to New England, with settlers and provisions, for the exhibition of passenger lists, and for the production of the charter. This was the first time its removal was discovered or avowed, and the plausible Craddock promised to send for it immediately. He informed the council that the royal right was well protected by the clause enforcing the oaths of allegiance and supremacy (although he knew they had not been administered to the emigrants), and entreated that they who had so recently and affectionately addressed the Church, as their dear mother, and avowed before God and man their attachment to it at parting, should be believed in preference to their slanderers, and wound up with a glowing description of naval stores that the planters would soon be able to send to England. After some little delay they were permitted to proceed on their voyage, and emigration again revived.

In the mean while, the inhabitants having proceeded step by step to consolidate their power at Boston, in evasion or defiance of the charter, now altered their constitution in a manner to suit the exigencies of the times, and their own wants, without asking permission or seeking authority from the king. In consequence of some severe regulations made by the magistrates relative to trespasses, which were exceedingly unpopular in the rural dis-

tricts, two delegates chosen by each town assembled at Boston and demanded a sight of the charter, upon the examination of which they arrived at the conclusion, that the legislative authority rested not with the magistrates, but with the freemen. On this point they asked the opinion of the governor, who told them, that when the patent was issued, it was supposed the freemen would be so few, that all could conveniently assemble, but now they had become too numerous to meet for deliberation. At the same time he said, he was of opinion, they did not yet contain sufficient materials to constitute a distinct branch of the Legislature, but proposed that a certain number of delegates should be chosen annually to prefer grievances, but not to make laws; though their consent perhaps might be required to all assessments of money and grants of land. They were not satisfied with any such restricted power, and accordingly at a General Court, held in the year 1634, twenty-four of the principal inhabitants of the colony, presented themselves as the representatives of the body of freemen, and demanded on behalf of their constituents the right to share in all legislative proceedings of that body, a claim which, though it had no foundation whatever in the charter, was supported by analogy to the constitution of the mother country, and was too congenial to their own democratic views to be refused. The governor and assistants, however, were not prepared for what followed. They were aware that a House of Commons would naturally diminish much of their own weight and influence, but they were astonished to find, when their admission was conceded, that their first step, before proceeding to business, was to define the power and jurisdiction of the General Court in its amended form; and in that definition, to appropriate to themselves a full share of executive as well as legislative authority. Hitherto, although the government had been elective, the choice of officers had usually fallen upon the same persons. Mr. Winthrop had been appointed governor every year since the foundation of the commonwealth, and most of the assistants had also been re-elected. As judges and justices they were the dignitaries of the land. Their discretionary power, in the absence of a regular code of laws, was very great. Severe penalties were enacted for disobeying them, and still heavier punishments awarded for discourteous or contumelious behavior toward them. Democracy, however, is no



respector of persons. Where all authority emanates from the mass, all must finally bow to that source of power. The natural order of society is soon reversed: officials first become courtiers to the people, and then are degraded to a menial dependence on their masters. This universal law of politics was now made palpable to the founders of the republic.

One of the first acts of the representatives was to impose a fine on the Court of Assistants for having presumed, during the preceding year, in the exercise of their discretion, not to act in conformity to an order of the General Court. The governor, a most able, zealous, liberal and laborious officer, who had discharged all the gubernatorial duties gratuitously for several years, was quietly passed over without any reason whatever that can be discovered, beyond the vile and contemptible propensity of democrats to humble and degrade to their own vulgar level all that are distinguished among them for character or talent. Not content with this unprovoked and unmerited insult, he was coarsely interrogated as to the receipts and disbursement of the public money during his administration, as if he had been a defaulter, and enriched himself with the spoils, instead of exhausting his means, and impoverishing his family, by private charities and public benefactions, as was well known to be the case. At the termination of this ungrateful and humiliating proceeding, he handed in the following dignified and temperate protest:

“In all these things which I offer, I refer myself to the wisdom and justice of the court, with this protestation, that it repenteth me not of my cost or labor bestowed on this commonwealth, but do heartily bless the Lord our God that He hath pleased to honor me so far as to call for any thing He hath bestowed upon me for the service of His Church and people here: the prosperity whereof and His gracious acceptance, shall be an abundant recompense to me. I conclude with this one request (which in justice may not be denied me), that as it stands upon record, that upon the discharge of my office I was called to account, so this my declaration may be recorded also, lest hereafter, when I shall be forgotten, some blemish may lie upon my posterity, when there shall be nothing to clear it.

“JOHN WINTHROP.

“September 4th, 1634.”

It is a painful, but instructive page of history. The colony was founded by Mr. Winthrop, in a spirit of defection to his Sovereign and his Church. The first act of the Legislature, a child of his own creation, was a rejection of himself as their governor, the imposition of a fine and censure upon his Court of Assistants, and an accusation against both, having as little foundation in truth as those he had himself so lightly adopted, and so little examined, against his king and his primate.

The establishment of a representative body was a bold exercise of independence, but it completed and consolidated the power of the state, which being based altogether on the elective system, was purely republican. This innovation created an inquiry into the nature of the liberty and privileges of the people, which threatened to convulse the colony by the numerous abstract questions to which it gave rise. Among others was a dispute as to the veto of the Assistants, both as regarded its existence and its limits. A number of persons having memorialized the court for leave to remove out of the jurisdiction, the Assistants refused their assent, assigning, among other reasons, one that in modern times would expose them to much sectarian abuse. "The removal of a *candlestick*," they said, "is a great judgment, which ought to be avoided." By far the greater part of the delegates were for granting the prayer of the petitioners, and numerically they formed a majority of the whole court. The dispute on this contested point was very warm, and the session was adjourned. What they refused to grant to the assumptions of the magistrates, they yielded to the fervid eloquence of Mr. Cotton, who preached before them, when they reassembled; "for it pleased the Lord so to assist him, and to bless His own ordinances that the affairs of the court went on cheerfully."

At this time was first introduced the custom, now so prevalent in America and the British provinces, of paying the members of the Legislature. It was ordered that the charge of dieting the assistants and delegates during the General Court be paid out of the public treasury. About the same period the vote by ballot for the delegates was established. The aid of the minister, and some of the ablest men in the province was now requested, to compile a uniform order of discipline for all the churches in the colony.

## CHAPTER V.

A Commission issues to the Archbishop of Canterbury, and eleven other Persons, for governing the Colonies, &c.—Abbot and Laud, their Conduct contrasted—Severe Trials of the Church—Its Character and Conduct—Colonists assume the Right of making Treaties—Free-Trade with the Narragansetts—Offer of hereditary Rank made by Lord Say and Sele—Reasons for declining it—Petition of the People debarred of civil Rights for Nonconformity—They are summoned to appear before the Governor and Assistants, and denounced by the Ministers—Heavily fined and bound over to keep the Peace—Their private Papers searched, and a Memorial found addressed to the Earl of Warwick—Its Contents—The People extend their Jurisdiction to Wethersfield, situated beyond the Limits of Massachusetts—Justification of Encroachment—Gorton's Settlement broken up, and his Followers severely punished—The Grand Council of Plymouth surrenders its Charter on the Ground of the Colonists claiming Independence—A *quo warranto* ordered to be issued for the Revocation of the Charter—Sir Ferdinando Georges nominated Governor-General—The Ministers convened to advise—They recommend Resistance—Dis-senters from the Churches of Massachusetts settle at Connecticut, Rhode Island, and other Places—War with the Pequods—The Army under a Covenant of Works—Extermination of the Indian Tribe—Troubles in England—The Colony is left unmolested.

IN England great astonishment was expressed at this usurpation, which naturally drew attention also to the artful manner Episcopalians were excluded, if not from the country, at least from all participation in its government. A royal commission, therefore, was granted to the Archbishop of Canterbury, and eleven other persons, for the management of colonial affairs, conferring or revoking patents, appointing public officers, and other more extensive powers. The recital reasserts, in distinct terms, that the object of the king, in granting the charter, “was not merely to enlarge the territories of our empire, but more especially to *propagate the Gospel* of our Lord Jesus Christ.”

The contumacy and intractability of the Puritans at home increased the alarm that was felt at the extension of the sect in America. Every means had been tried and exhausted for reconciling or conciliating them, but in vain. Concessions led to further demands, kindness only served to infuse a belief of weakness; and, in the exasperated state of public feeling, nothing

appeared to be left but compulsion. The indulgence of Abbot rather emboldened their opposition, as they affected to see in his mildness or negligence a similarity of opinions with their own. Laud, warned by the failure of his predecessor, was more vigilant and more rigid, and endeavored to compel these refractory Non-conformists to obedience by a strict enforcement of the law, in the execution of which he showed himself as zealous, active, and almost as severe as the Puritans themselves. These people exhibited the most melancholy specimen of the arrogance, obstinacy, and inconsistency of the human mind to be found in any age or country. At the very time that they were depriving every person in Massachusetts of all civil rights, who was not in full communion with them, or imprisoning, fining, or banishing whoever dared to maintain doctrines at variance with their own, they denounced as a bigot and a demon the archbishop, who, unfortunately, adopted the same error of compulsory conversion as themselves.

It was not without great alarm, therefore, they were informed that a *quo warranto* had been issued against them, and that the governor was ordered by the Board forthwith to send back to England the charter which had been so surreptitiously removed. They had now a man to deal with who knew their principles too well to be duped by professions, whose duty it was to protect his own Church, and to see that no part of his majesty's dominions was closed against her members, and who had penetrated the designs of their co-religionists to subvert the monarchy. From his well-known integrity and piety they knew that they might look for justice; but they saw nothing in the contumely and insults they had heaped upon him to lead them to hope that he would make another fruitless attempt to try the effect of indulgence.

The conduct of these two prelates, Abbot and Laud, has been variously viewed, both by contemporary authors and historians of the present day, according to the uncertain standard of their own morals and politics. By some the moderation or connivance of the first has been extolled as an example of Christian virtue, worthy of all praise; while a rigid adherence to ecclesiastical discipline, and a strict observance of the law of the land, has earned for the other a character for cruelty and tyranny. But the agitated state of the times, the fury of party, the ferocity and

disloyalty of schismatics, and the intrigues of an unscrupulous Court, if they do not afford a justification for the negligence of the one, or the rigor of the other, will warrant us in putting a charitable construction on the conduct of both. Where the shelter of non-interference merely aggravated the evil, it was natural to try the only other alternative, severity; and subsequent events have now clearly disclosed to us that the middle course, in which justice is tempered with mercy, so difficult at all times to be found, and especially in civil commotions, would have been equally unavailing. It is probable, however, that if Abbot had been more firm, Laud would have been less severe; and it is certain that a proper discharge of his duty, without periling his own life, would have saved that of his martyred successor.

No religious establishment has had so much to contend against as the Anglican Church. For centuries before the Reformation she had to endure the assaults of Rome, and ever since the furious attacks of fanatics; while lately she has had to withstand them both, under the serious disadvantage of being crippled by the State, in the freedom of her actions. Formerly, the government, to suit their own political views, found it necessary to fill the bench of Bishops with persons holding high prerogative opinions. In more recent times the selection for a similar purpose has been too often made from latitudinarians, while during the whole period of time, she has had within her own pale a numerous party who receive her pay, and eat her bread, but refuse to do her bidding, or teach her doctrines. Deprived of her convocation, she has been powerless to preserve uniformity, defend herself, or enforce her discipline, and, above all, to exert her whole voice in demanding her ancient right of electing her own prelates. Hence the soundness of one diocese contrasts strangely with the license and disorder of another, and the anomalous appeals in matters of belief to a lay court, evince less unity than Rome, and less independence than Dissent.

During all these afflictions her conduct has been worthy of herself. Her firmness in resisting encroachments, and patience under persecutions, moderation in prosperity, devotion to the cause of truth and learning, her zeal and munificence in propagating the Gospel to the furthestmost parts of the earth, are well attested by the fruit she has borne. Her sterling worth is stamped on her children, and an Englishman may well be proud



of the parent that instructed his tender years, and implanted in his mind all those virtues that invigorate, and those graces that adorn his character. While the Puritan preachers of Massachusetts were occupied in compiling a body of laws, and a code of divinity, the Parliament of the colony entered at once upon the exercise of unrestricted sovereign power, and authorized or sanctioned the assumption by the executive of the right to make war, or declare treaties of peace, with the surrounding Indian nations. The Narragansetts, a powerful and numerous tribe, were among the first to enter into offensive and defensive alliance with them. Some of the stipulations of this compact have since been adopted by the diplomatists of modern times,\* and the surrender of fugitives from justice, and unrestrained free-trade, though apparently equally beneficial to both from their reciprocal character, concealed, under specious terms, the selfishness that dictated them; for the grave offered to the savage an asylum infinitely preferable to the abodes of the white man, and free-trade was only beneficial to those who desired the advantage of tempting the cupidity, or overreaching the simplicity of their customers, by giving them in exchange for their furs, superfluities, of the value or use of which they were equally ignorant. A few years afterward an army was raised to proceed against these same allies, who had subsequently become refractory and turbulent; but so imposing a force awed them into submission, and a renewal of commercial intercourse.

In this democratic body the companies usually chose their own officers, and the executive contented itself with appointing a commander-in-chief to direct its operations. The commonwealth then, as at the present day, was substituted for the royal authority; and the revolution of 1783, instead of destroying old institu-

\* The following is the treaty alluded to:

1. A firm and perpetual peace betwixt them and the English.
2. Neither party to make peace with the Pequods without the consent of the other.
3. That Narragansetts should not harbor any Pequods.
4. That they should put to death, or deliver up any murderers of the English.
5. That they should return fugitive servants.
6. The English to give them notice when to go out against the Pequods, and the Narragansetts to furnish guides.
7. Free-trade to be carried on between the parties.
8. None of the Narragansetts to come near the English plantations during the war with the Pequods, without some Englishman or Indian known to the English.—*Hutch.*, vol. i. p. 591.

tions, was conservative in its character, and merely restored the ancient order of things. The spirit of independence and equality was as deeply rooted then as now in Massachusetts, and an offer of hereditary rank, when tendered to the principal inhabitants by Lord Say and Sele, if they would join him in colonizing the Bahamas, was peremptorily and decidedly refused. Hereditary authority, they said, had no warrant in Scripture, and any civil power whatever, not based on church membership, was equally repugnant to the will of God. They assured his lordship that it was their conscientious conviction, that it was "a divine ordinance (and moral) that none should be appointed and chosen by the people of God, magistrates over them, but men fearing God,\* chosen out of their brethren,† Saints.‡ That the Apostle maketh it a shame to the Church, if it be not able to afford wise men from out of themselves, which shall be able to judge all civil matters between their brethren.§ And Solomon maketh it the joy of a commonwealth when the righteous are in authority, and the calamity thereof when the wicked bear rule.||

It was not to be supposed, however, that this exclusive claim of the Church, to confine all affairs of trust and emolument to its own members, would be submitted to without a struggle, by those who were debarred of the right of becoming freemen under the terms of the charter. The object of it was well known to have been to discourage Episcopalians from settling in the State, and to preserve the ascendancy of the Puritans; but as it did not answer the purpose as fully or as promptly as was expected, another Act was passed of a more stringent nature. A penalty was laid upon all persons who should entertain in their houses a stranger who came with an intent to reside in the colony, or should allow him the use of any habitation, or lot of land, for a longer period than three weeks, without permission from the magistrates. The fine on individuals was twenty pounds, and a like sum for every month that the offense was persisted in. One hundred pounds was also imposed upon any town, for either giving or selling land to any such unlicensed person.

Under the pretense of guarding their chartered rights, and preserving the purity of their religion and morals, they thus managed to introduce laws that effectually converted those who pro-

\* Exodus xviii. 21.

§ 1 Cor. vi. 1.

† Deut. xvii. 15.

|| Prov. xxix. 2.

‡ 1 Cor. vi. 1.

fessed any other creed than their own into aliens, and rendered them liable to all the disabilities and all the inconvenience of being subjects of a foreign realm. Obstinacy is not confined to any class or sect, but is a peculiarity of our national character; and if the Puritans had the courage to claim the country as their own, and disregard or deny the supremacy of the parent state, there were not wanting those who questioned their right, and were determined, at all hazards, to demand an equal share of the privileges and advantages conferred upon all by the patent. Among these were several persons of character and property, who, as a preliminary step, petitioned the General Court, or local assembly. In their memorial, which was couched in firm but respectful language, they complained: 1st. That the fundamental laws of England were not owned by the colony, as the basis of their government, according to the charter. 2d. The denial of those civil privileges which the freemen of the jurisdiction enjoyed, to such as were not members of churches, and did not take an oath of fidelity, devised by the local authority, although they were free-born Englishmen of sober lives, conversation, &c. 3d. That they were debarred from Christian privileges, viz., the Lord's Supper for themselves, and baptism for their children, unless they were members of some of the particular churches in the country, though otherwise sober, righteous, and godly, and eminent for knowledge, not scandalous in life and conversation, and members of churches in England.

They prayed that civil liberty and freedom might forthwith be granted the inhabitants, and that all members of the Church of England or Scotland, not scandalous, might be admitted to the privileges of the churches of New England, or, if these civil and religious liberties were refused, that they might be freed from the heavy taxes imposed upon them, and from the impresses made of them, their children, or servants in the wars.

They further stated that if they failed of redress, they should be under the necessity of making application to Parliament, who they hoped would take their sad condition into consideration, provide able ministers for them, New England having none such to spare, or else transport them to some other place, their estates being wasted, where they may live like Christians.

Such a bold and decisive measure at once awakened the fears of the governor, and aroused the anger of the clergy. The former

summoned them to appear and answer for this contumacious conduct, at the bar of the court ; the latter, with their usual zeal and intolerance, invoked the judgment of God upon the malignants, who dared to impugn the saints, and threatened to slander the elect by appealing to an English tribunal, the members of which were under a covenant of works. The inveteracy of both justified the proceedings of the petitioners, and confirmed them in the course they had resolved to pursue. The thunders of the pulpit and the threats of the executive, though not equally formidable, were both sufficient to terrify men of ordinary nerves. The denunciations of the ministers were equivalent to excommunication among a people who believed that salvation was not to be obtained beyond the pale of Puritanism ; and the frowns of a court that held irresponsible power over life and property, and believed it was doing God service in freely exercising it, were not to be encountered without terror. Instead of receiving redress, they were required to answer for their own conduct. They humbly submitted that they had preferred no charges, but had merely solicited a change, and requested a reform. The right to petition was freely conceded, with a mildness and meekness that did honor to their Christian humility ; but they were informed with great sternness that they had exceeded the bounds of that invaluable privilege, and endangered the liberty of the people by a licentious use of a constitutional right, and were accordingly heavily fined in proportion to their ability. They then claimed an appeal to the Commissioners for plantations, but they were told that was an aggravation of their offense, inasmuch as it had a tendency to lower the character of the court among the people, and were therefore ordered to find securities for their future good behavior.

To submit to authority is the duty of all good subjects ; but to obey without a murmur, when it is abused, is more than can be expected from the infirmity of human nature. In the irritation of the moment, some of the petitioners announced their intention of proceeding to England, to lay their complaint before the Imperial Government. This fresh offense called for further coercive measures, and a search-warrant was issued to seize and examine their private papers. A memorial was found addressed to the Earl of Warwick and the other members of the board, signed by twenty-three non-freemen for themselves and many thousand

more,\* in which they stated, that from the pulpit they had been reproached, and branded with the names of destroyers of churches and commonwealths, called Hamans, Judases, sons of Korah, &c., and the Lord entreated to confound them, and the people and magistrates stirred up against them, by those who were too forward to step out of their callings; in consequence of which some of them had even been committed for refusing to give bonds for two hundred pounds, to abide by the sentence of the court; when all their crime was to petition, and they had publicly been treated as malefactors, &c. They then proceed to pray :

1. For settled churches in Massachusetts according to the Reformation of England.

2. That the laws of England may be established.

3. That all English freeholders may enjoy such privileges as in England, and the other plantations.

4. That a general governor, or some commissioners may be appointed, &c.

5. That the oath of allegiance may be taken by all, and other covenants which the Parliament shall think most convenient.

To this petition were appended certain queries :

Whether the patent of Massachusetts was confirmed by Parliament, and whether it was not necessary it should be ?

Whether the court may forfeit their charter, &c. ?

Whether, if treason be uttered in the pulpit, or in the court and not questioned, the court do not consent, &c. ?

Whether it be not high-treason, as well in New England as in Ireland, to endeavor to subvert the fundamental laws of England, to take away the liberties of the English nation, to say that Massachusetts is a free state, &c. ?

Whether the oath of allegiance and the covenant be not binding there ?

Whether all English inhabitants having lands, are not freemen ?

Whether the court hath power to confine to prison, banish, impose censures, impress persons and goods for an offensive war, &c. ?

Whether the ministers may publicly vilify the English nation, laws, &c. ; and not be questioned ?

\* It is probable that the words "many thousand more," are about as accurate as numbers, when spoken of in petitions, usually are.



Whether the petitioners ought to be hindered settling in a church way, according to the churches in England, &c.?

Good behavior is a term of extensive signification, and at that period petitioning Parliament, whose jurisdiction was not admitted, was evidently a violation of the duty of an obedient subject. The fine which had already been exacted from them, and the dread of forfeiting the bonds into which they had entered, deterred them from further prosecuting their appeal until a more favorable opportunity. Resistance to constituted authority, when effectually defeated, necessarily strengthens the government it was designed to overthrow; and one successful exercise of arbitrary power naturally leads to another. Having repeatedly stifled remonstrance within, they could not endure open defiance without their borders. Several of the inhabitants having removed to Wethersfield, a place beyond the limits of Massachusetts, it was deemed prudent to assume jurisdiction, in order to avoid the contamination of bad neighbors. At first some scruples were entertained as to the legality of thus appropriating territory to themselves, to which they admitted they had no right, but a little reflection soon enabled them to overcome this difficulty. It was thought advisable, if any objection should hereafter be made by England to this presumptuous assumption of power, to apply to her her own reasoning on the subject of fealty, by which they would have the advantage of both sides of the argument. When they left the mother country, they maintained that allegiance was local and not general, obedience and protection being reciprocal; while on the other hand, the crown lawyers held that a man never could divest himself of this obligation, which accompanied him to the most remote parts of the earth. Now protesting in their own case against this doctrine of the English jurists, still it was fair, they said, to apply it to those who believed it, for no one can be injured by submitting to a law which he attempts to force on others, and which he asserts to be obligatory on all. Assuming, therefore, that the emigrants who had been inhabitants of the colony, and had taken the oath of fidelity to the commonwealth, were still bound by it, though not residing within its limits, it was but right and proper, that the State should on its part extend to them its protection and support. They accordingly very quietly and complacently assumed jurisdiction over the country, and issued

the necessary commissions for its government and internal management.

The Puritans, who were subtle casuists, having authorized a forcible entry into land that did not belong to them, and thus enlarged their limits, soon found arguments for a similar extension, by seizing upon the possession of others on the ground that they were intruders on the heritage of the Lord. A number of persons, among whom was an obnoxious schismatic called Gorton, holding different religious opinions from themselves, and disliking the tyrannical form of government at Massachusetts, purchased lands from the Indians, beyond the boundaries of the colony, and commenced a settlement, where they hoped to enjoy unrestricted liberty of conscience. Possessing and enjoying, though usually coupled together, are by no means synonymous terms. Fanaticism is seldom enjoyed, but amidst opposition or in the face of danger. When unnoticed, it becomes torpid, and expires for want of sufficient excitement to preserve vitality. It is generally a compound of ignorance and vanity; one fades from view in the light of knowledge, and neglect is a sure and certain specific for the other.

The Government were not willing to await the natural death of this ephemeral heresy. It was deemed necessary to crush it in its infancy. The limits of the State to which they had adhered with such pertinacity when threatened with encroachment, proved no protection to those who lived beyond them. A party was sent against the emigrants, who carried them all prisoners to Boston, drove off their cattle, which they sold to pay the expense of the expedition, and effectually destroyed the settlement. When brought before the court, it was in vain the captives pleaded to its jurisdiction, and maintained that not being inhabitants of Massachusetts, they were not amenable to its authority. The justices informed them that they had violated the Divine law, though they did not condescend to produce the commission that authorized them to punish its infraction; they contented themselves with ordering them to plead instanter to the following extraordinary accusation: "Upon much examination, and serious consideration of your writings, we do charge you to be a blasphemous enemy of the true religion of our Lord Jesus Christ, and His holy ordinances, also of civil authority among the people of God, and particularly in this jurisdiction."

They were all found guilty, and sentenced to be dispersed in

the several towns, and to be well ironed and set to work. It was further ordered, if any of them attempted to escape, or repeated, either verbally or in writing, their heretical doctrines, or reproached the Church or the Civil Government, upon proof thereof they were to suffer death. Now, that intercourse between the mother country and the colony had become so frequent (two hundred and ninety-eight ships having arrived since the first settlement), these violent proceedings could not long remain concealed. Vigorous measures were immediately adopted for reducing the people to subjection, and preventing disorderly emigration. Orders were issued to the Wardens of the cinque-ports, not to allow any subsidy men to embark for the plantations without license, nor any persons under that degree, without proper evidence that they had taken the oaths of supremacy and allegiance.

The Grand Council of Plymouth, from whom Massachusetts had derived its title, was called upon to explain its conduct relative to the transfer of territory it had made to the colony of Massachusetts. This association, consisting of the first nobility and gentry in England, immediately resigned its Charter, declaring, "that the Puritan patentees having surreptitiously obtained from the Crown a confirmation of their grant of the soil, had not only excluded them from the public government of the corporation, but had made themselves a free people, and for such held themselves at present, framing new conceits of religion, and new form of ecclesiastical and temporal government, punishing divers that would not approve thereof, some by whipping, and others by burning their houses, and some by banishment, under other pretenses indeed, yet for no other cause, save only to make themselves absolute masters of the country, and uncontrollable in their new laws." \* Such were the reasons which reduced the Council of Plymouth to the necessity of requesting "their sovereign" to take the whole business into his own hands. An order also issued to the Attorney-General to bring a *quo warranto* against the cor-

\* Such a serious charge has great names to sustain it:

Lord Georges, *President*.  
 Captain Mason, *Vice President*.  
 Marquis of Hamilton.  
 Earl of Arundel and Surrey.  
 Earl of Southampton.  
 Earl of Lindsey.  
 Earl of Carlisle.  
 Earl of Stirling.

Lord Maltravers.  
 Lord Alexander.  
 Sir Ferdinand Georges.  
 Sir Kenelm Digby.  
 Sir Robert Mansel.  
 Sir Henry Spelman.  
 Sir James Baggs.  
 Mr. Montague.

poration of Massachusetts. An enlarged plan for a general government of New England was devised, and as a preliminary step, Sir Ferdinando Georges was nominated to the supreme command.

As soon as the colonists were apprised of this measure, they prepared to counteract it. The ministers, whom no test could bind, and who were ever foremost in opposing the king's authority, were convened by the magistrates, and appealed to for advice, under the endearing appellation of the Fathers of the Country. They accordingly assembled at Boston from all the various townships, and the question was formally submitted to them: "What is to be done if a Governor-General be sent over?" They unanimously advised that the colony ought not to accept him, but to defend its lawful possession if able, otherwise to avoid or protract. To have insured obedience, would have required an army, and the king now needed all the forces he could muster to defend himself. The plan therefore failed for want of means.

During all this time, Massachusetts was herself convulsed with religious differences, which, like those in England, led to the planting of new colonies.

Connecticut, Providence, New Haven, and other settlements, were founded by those who complained of persecution for conscience sake. It is not my intention to give any account of these controversies, nor of the principal actors in them, as they do not legitimately fall within the scope of this work; but their migrations are remarkable, as emanations from the parent colony, the people of which, though differing in matters of faith from the refugees, agreed with them in political opinions. Following the example of Massachusetts, they all formed constituencies for themselves, based on mutual compact, and the broad foundation of popular rights. Each established a little separate republic. Thus their dissensions, no less than their consort, tended to spread their democratic principles, which were so soon to be adopted by the whole population of the Continent. Extending their settlements, however, temporally exposed them to new danger, by bringing them in contact with distant and hostile tribes of Indians, which compelled them to unite in a general confederation, and attack the enemies in their own country. Contests with the savages, like their intestine disputes on points of doctrine, I must also pass over, for the same reason. But it is important

to note, that in the Pequod campaign, they exercised one of the highest acts of sovereign power, that of making war, as they had previously done by entering into a treaty of alliance and commerce with another people.

The expedition commenced with senseless bigotry, and terminated with unrelenting cruelty. When the troops were mustered, a most alarming discovery was made, that a great many, both of the officers and men, were under a covenant of works, and it was necessary to delay operations until the army could be purified from the pollution arising from such unsanctified and desperately wicked heretics. The promise which was given them of old in Scripture, and especially referred to by the Puritans of New England, "Ask of me, and I will give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession," could not, they said, be deemed to include men so lost in error as these Antinomians and Familists. After much fasting and prayer, and some expulsions and admonitions, the preachers pronounced them in a fit state to proceed, and foretold the result with that confidence with which victory may always be predicted, when the bow and the arrow alone are opposed to fire-arms. They were accompanied by a minister who was desirous of preserving that purity of doctrine he had so much difficulty of infusing into them, and of "rejoicing his heart," as he said, "by seeing those that dwell in the wilderness bow before him, and his enemies lick the dust."

It is a great relief to be spared the task of recording the details of this dreadful massacre of a whole tribe, that mustered a thousand warriors, equal to the best and bravest of the whole American continent. Bancroft, who seems proud of the prowess of the Puritans, thus sums up this "glorious exploit." After describing in glowing colors the defeat of the main body, he says: "The rest were pursued into their hiding-places.\* Every wigwam was

\* In "Thatcher's History of the Town of New Plymouth," p. 65, is an account of a barbarous deed, committed by Captain Standish, under the sanction of the Governor. He and four others fell on an equal number of Indians, whom he had decoyed into a house, and slew them all. Cutting off the head of the chief, and carrying it back in triumph, he set it up on a pole in the town as a terror to this people, whom they were pleased to call savages. When their worthy pastor, whom they had left at Leyden, heard of it, he wrote to the Church, "that he doubted whether there was not wanting that tenderness of the life of man, made after God's image, that was meet," adding, "it would have been happy if they had converted some before they had killed any."



burned, every settlement was broken up, every corn-field laid waste ; there remained not a sarrup, nor squaw, nor child, nor warrior of the Pequod name. A nation had disappeared from the family of men."

The alarm of the colonists, arising from the interference of the king and his governor-general, and their fears relative to their charter, soon gave place to hopes that Royalty and Episcopacy would ere long cease to exist in England. The unfortunate monarch had now to struggle for his life and his throne, and Massachusetts was suffered to enjoy her independence undisturbed, and lay the foundation of those institutions which in time to come were to support, and maintain the great American republic. The cost of New England colonization so far, has been estimated at two hundred and fifty thousand pounds, a great sum for those times, but probably short of the truth. Already there existed, east of the Hudson, twelve independent democratic communities, comprising not less than fifty towns, or distinct settlements ; but a consolidation took place soon after, by which the inconvenience resulting from so many separate jurisdictions was remedied by reducing them to six.

## CHAPTER VI.

The Colony exercises Sovereignty in external Affairs—Confederates with Connecticut, New Haven, and Plymouth—Terms of Confederation—Effects of it in America—Commissioners of the United Colonies receive a Diplomatic Agent from Acadie, and the Governor-General of Canada sends an Envoy to the Swedish Governor on the Delaware, and negotiates with the Dutch on the Hudson—Massachusetts coins Money—State of the Colony—Parliament exempts New England from Taxes—The People resolve not to ask Favors of Parliament—Decline to send Delegates to the Assembly of Ministers at Westminster—Sir Harry Vane advocates their Cause—Parliament exempts them from certain Duties—Prerogative Claims—Sole Control of Colonies—Sketch of its Origin—Idea of Navigation Laws, suggested by James I.—General Court calls in the Aid of the Elders, and deliberates on the Subject of Parliamentary Control, and refuses to submit—They remonstrate with the House of Commons, and obtain a favorable Answer.

WE have now arrived at a period in the history of this little commonwealth in which we may clearly trace the origin of the federal union of the several States of the great republic. We have shown that the people maintained that their institutions were established by the free consent, and for the benefit of all ; that the country was their own, and that no man had a right to enter it without their permission ; that they had full and ample power of governing, by men chosen from among themselves, according to such laws as they should see fit to enact, provided that they were not repugnant to those of England ; that they held the keys of the territory ; were entitled to prescribe terms of naturalization to all noviciates ; and further that they were only subject to the king according to the charter, and not otherwise. In short, they insisted that to all intents and purposes they were independent, except as restrained by the terms of their compact. This claim was illustrated by their acts ; hitherto they had sustained it by the manner they managed their internal affairs. In one or two instances, as we have seen, they showed a disposition to exert external sovereignty also. This intention was now boldly avowed and openly acted upon ; Massachusetts this year (19th May, 1643) entered into "a firm and perpetual league," offensive and defensive, with the provinces of Plymouth, Connecticut, and New Haven, under the designation of the United

Colonies of New England. All these were rigidly Puritanical. Rhode Island was rejected under the plausible pretext of being within the jurisdiction of Plymouth, but in reality because she indulged the inhabitants with more toleration in religious opinions than Massachusetts approved.

The substance of the agreement is as follows :\*

“ Each colony to retain a distinct and separate jurisdiction, no two to join in one jurisdiction without the consent of the whole, and no other to be received into the confederacy without the like consent.

“ Upon notice from three magistrates of any colony of an invasion, the rest shall immediately send aid, Massachusetts one hundred, and each of the rest forty-five men ; and if a greater number be necessary, the Commissioners to meet and determine upon it. Two delegates from each Government, being Church members, to meet annually the first Monday in September, the first meeting to be held at Boston, then at Hartford, New Haven, and Plymouth, and so yearly, in that order, saving that two sittings successively be held at Boston. All matters wherein six shall agree to be binding upon the whole ; but if the majority be under that number, the matter in question to be referred to the General Court, and not to be obligatory unless the whole agree to it.

“ A President for preserving order to be chosen by the Commissioners annually out of their number.

“ The Commissioners shall have power to establish laws or rules of a civil nature, and of general concern for the conduct of the inhabitants, viz., relating to their behavior toward the Indians, to fugitives from one colony to another, and the like.

“ No colony to engage in war, except upon a sudden exigency, and in that case to be avoided as much as possible, without the consent of the whole.

“ If a meeting be summoned upon any extraordinary occasion, and the whole number of Commissioners do not assemble, any four who shall meet may determine upon a war, when the case will not admit of a delay, and send for the proportion of men agreed upon out of each jurisdiction, but not less than six shall determine the justice of the war, or have power to settle bills of exchange, or make levies for the same.

\* See Hutchinson, vol. i. p. 124.

“If a colony break an article of the agreement, or any way injure another, the matter shall be considered and determined by the Commissioners of the other provinces.”

The unity of action obtained by this treaty, the respect the Court of Commissioners maintained and enforced, not only within their own jurisdiction, but with their French, Dutch, and Indian neighbors, and the weight and influence they enjoyed among all the inhabitants of this Continent, first suggested the Congress, and then the Federal Government of the present day.

It was a bold step to take without the assent of a higher authority, but the intestine troubles of England left her but little time to inquire into matters that sank into insignificance, when compared with the momentous struggles in which she was engaged, and it was suffered to pass either without notice or without rebuke.

This union subsisted until 1686, and presented a great obstacle in the way of adjusting every dispute between the mother country and the colonies, as the Commissioners ever counseled a firm opposition to what they called prerogative encroachment. When disobedience was unsafe, they recommended delay; and when remonstrance was unavailing, they advised resistance. But they never ceased to deny the rights, and impugn the motives of the parent state, ungraciously regarding concessions as marks of weakness, and perversely constructing every refusal into an act of despotism. It mainly contributed to foster the feelings that subsequently ripened into rebellion. It illustrated the vast power of numbers and unity, the advantage that disaffection derives from centralization, and the easy and simple manner in which a federal combination of a few plantations may be made to adapt itself to any given number of States.

A similar institution is recommended for the remaining British provinces. It is easy to foresee that a repetition of the experiment will produce a like result. The very extensive powers thus assumed by the confederation placed the united colonies in the situation of a sovereign and independent nation. One of its first acts was to receive a diplomatic agent from the French Governor of Acadie, a district of New France that comprised the territory now subdivided into Nova Scotia and New Brunswick, with whom they entered into a treaty of peace and commerce, which was executed and ratified with the usual formalities. A

*chargé d'affaires* was also received and accredited by the republic from the Governor-General of Canada on behalf of the King of France, and negotiations were entered into for reciprocal freedom of trade, and for an offensive and defensive alliance between the two high contracting parties, which alone failed of success from a dread on the part of Massachusetts of drawing down upon her the resentment of the Indian tribes. They also sent an envoy to the Swedish commandant on the Delaware, and opened a correspondence with the Dutch settlement on the Hudson.

Nothing now remained but to exercise the prerogative of an independent mint, to complete the usual attributes of sovereignty, and this was ventured upon without hesitation in 1652, when three sorts of silver coins, severally of the value of a shilling, sixpence, and threepence, were ordered to be struck off in large quantities. This money bore on the face of it no reference whatever to the mother country, and no recognition of the ruling power there. It was essentially American. By order of the court, each piece was encircled by a double ring, having the inscription, Massachusetts, with a native tree (pine), emblematical of the country on one side, and the words "New England" and the year of our Lord on the other.\* A large sum was thus struck off and put into circulation, and the right was exercised for a period of thirty years, although the coins for an obvious reason bore the same date.

The change that had now taken place in the affairs of the king, damped the ardor of emigration, in proportion as the prospect increased, that the whole nation would shortly be subjected

\* The excuse for this coinage was even more modest than the act itself. Sir Thomas Temple, who had resided several years in New England, and was himself a Puritan, gave the king a most extraordinary version of it. After the restoration, when he returned to England, the king sent for him, and discoursed with him on the state of Massachusetts, and discovered great warmth against that colony. Among other things, he said they had invaded his prerogative by coining money. Sir Thomas, who was a real friend to the colony, told his majesty that the colonists had but little acquaintance with law, and that they thought it no crime to make money for their own use. In the course of the conversation, Sir Thomas took some of the money out of his pocket, and presented it to the king. On one side of the coin was a pine-tree, of that kind which is thick and bushy at the top. Charles asked what tree that was. Sir Thomas informed him it was the royal-oak, which preserved his majesty's life. This account of the matter brought the king into good-humor, and disposed him to hear what Sir Thomas had to say in their favor, calling them a "parcel of honest dogs."—*Hist. Col.*, vol. VII. p. 229.



to the rule of the saints. But enough had been done to lay the foundation of a powerful republic.

After the first indispensable wants of the people had been attended to, industry was directed to commerce and navigation, and a very profitable exchange took place, between the traders of Massachusetts and the planters of the West Indies, of the productions of their respective countries. In little more than ten years, fifty towns and villages, and between thirty and forty churches had been built, and some attempts had been made in manufacturing cotton. If they had reason to be gratified at the contemplation of their affairs at home, they saw with undisguised delight the triumph of their party in England. The Parliament contained many friends who were most anxious to further their views in any way in their power. Nor was it long before they received a substantial mark of its favor. In 1642 it passed an ordinance for their encouragement, by freeing them from "taxation either inwards or outwards, in this kingdom or America, till the House take further order thereon to the contrary."

During the same session it established a council for the colonies, similar to that of 1635, which entered immediately on its duties, and uniting Providence and Rhode Island into one government, gave it a patent of incorporation containing the usual clause, that its enactments should not be repugnant to the laws of England. These favors they were willing to receive whenever they could be granted unasked, or at all events not openly solicited, so much appearance of reserve did they think it necessary to maintain, in order that the dependence on the Imperial Legislature, or its right to control them, could not be inferred from their acts. "Upon the great liberty," says Winthrop,\* "which the king had left the Parliament, some of our friends there wrote to us advice to solicit for us in Parliament, giving us hopes that we might obtain much. But consulting about it, we declined the motion for this consideration, that if we should put ourselves under their protection, we must then be subject to all such laws as they should make, or at least, such as they might impose upon us." So anxious were they to keep themselves totally distinct from the jurisdiction of any exterior tribunal whatever, that when the assembly of preachers at Westminster sent for three of their ministers to

\* Winthrop, vol. II. p. 25.

join them in their deliberations, they declined the invitation on the ground that "if the churches of New England appeared there by their representatives, great exception might be taken to the building after a model of their own making." Among their friends in the House of Commons, was Sir Harry Vane, who some years previously had visited Massachusetts, and from his sanctified manner, high professions, and demure appearance, was elected Governor, but his intriguing disposition, and fondness for theological controversy, soon involved him and the whole community in violent altercation. Hutchinson calls him an inexperienced but obstinate and self-sufficient man, and the people became so dissatisfied with his conduct, that they not only refused to re-elect him the following year, but would not even choose him as an assistant, and passed a law that no man should be eligible in future for the office of chief magistrate, until he had resided at least twelve months in the country.

Notwithstanding the disgust he felt at his defeat, as he was not very cordial with those with whom he was now acting (for his temper was so intractable as to render his support and his opposition equally precarious and dangerous), he procured, at the intercession of some of his old adherents in Boston, what protection he could for them. It was probably owing to his influence that the Commons again in 1645 and 1646 extended to them relief from imposts for three years, provided their productions were transported in English ships, and in the following year exempted all goods that should be exported to the plantation from custom duties.

The weakness of the sovereign, and the importance of the interests at stake, now invited the interference of Parliament in the affairs of the colonies. Originally the king had claimed the exclusive right to legislate for them. One of the earliest acts in reference to America was passed in the reign of Edward VI. relating to Newfoundland, but this was not suffered to operate as a precedent. Queen Elizabeth, ever watchful of her prerogative, claimed the exclusive right to all countries discovered by her subjects. The first charter conferred upon an English colony was granted to Sir Humphry Gilbert, and its ample powers disclose the ideas of the age, with respect to the nature of such settlements. She vested in him in perpetuity the full right of property in the soil of those countries of which he should take posses-

sion, to be held of the Crown of England by homage, or payment of one-fifth of the gold and silver ore found there. "She conferred upon him the complete jurisdiction and royalties, as well marine as other, within the said lands and seas thereunto adjoining; and as the common safety and interests of the people would render good government necessary in their new settlements, she gave him his heirs and assigns, full power to convict, punish, pardon, govern, and rule, as well in causes capital or criminal as civil, both marine and other, according to such statutes, laws and ordinances, as shall be by him, his heirs and assigns, devised and established for their better government." She declared that all who settled there, should have and enjoy all the free privileges of free denizens and natives of England, any law, custom, or usage to the contrary notwithstanding; and finally she prohibited all persons from attempting to settle within two hundred leagues of any place which Sir Humphrey Gilbert or his associates should have occupied during the space of six years."

James, pursuing the same course as his predecessor, took the whole management of American affairs into his own hands. In 1621, when the Commons introduced a bill for a free fishery on the coast of Virginia and New England, they were informed, "that those countries ought to be regarded as the king's, since they were acquired by conquest, and that not being yet annexed to the crown, his Majesty may govern such new plantations as he shall see fit." To which it was answered, "that the royal prerogative is not impeached by the present measure, since what is done here is done by the king himself, who hath a negative; that those territories being holden of the Manor of East Greenwich are as much annexed to the crown as it; and we may make laws here for Virginia and New England, because if the king and lords assent to the act it will control the patent." The royal prerogative in matters of trade, aided and enlarged the power assumed and possessed over plantations. To the exclusive right to give a Charter, therefore, was added a discretionary power to license emigration, to permit the exportation of merchandise, and to grant exemption from imports for a limited time.

It was in the exercise of this authority that James I. laid the foundation of the celebrated navigation act, by trying the experiment of its principle on a small scale in the trade of Virginia. The planters, having in 1621, sent their tobacco to Flushing and

other ports, the king issued an order "that no tobacco or other production of the colonies shall be carried into foreign parts, till they are first *landed* in England, and the customs paid : for to suffer a traffic of that kind is as inconsistent with the view of settling Virginia as with the honor of the State."

But the House of Commons, whose power was daily increasing, having taken upon itself to interfere in the affairs of the American provinces, a new source of dread arose in the minds of the emigrants: for to their apprehensions of the king and the hierarchy, was now added that of the Parliament. Still they could not but congratulate themselves (if such a control was inevitable) on their good fortune in having escaped from its effects until the present most auspicious time for its exercise. It was very far, however, from their intention to acquiesce in the right, for they equally denied the jurisdiction of all three. Among the innovations that were contemplated, was a proposition to recall the old and grant a new and more perfect Charter. The General Court met for the purpose of considering the subject, which was deemed of such vital importance as to call for the aid of the Elders, who were accordingly convened to assist in their deliberations. The result of their conference was, as Parliament claimed "a supreme power in all things," not to accept a new patent ; for that would imply a resignation of the old one, and they resolved ; "if they shall be less inclinable to us, we must wait upon Providence for the preservation of our just liberties."

At that time it was the creed of every Puritan in the colony that if "the king or any party from him, shall attempt any thing against the commonwealth," it was the duty of the people "to spend estate, and life, and all, without scruple, in its defense ; that if the Parliament itself should hereafter be of a malignant spirit, then, if the province have sufficient strength, it may withstand any authority from them to its hurt." Massachusetts went even so far as to call herself *Republica Perfecta*, "a perfect republic." Acting under these strong impressions, they remonstrated in most decided terms with the House of Commons (which had under its consideration the appeal of the petitioners I referred to in the last chapter) against any power of supervision. An order from England they say, is "prejudicial to our chartered liberties and to our well-being in this remote part of the world. Times may be changed, for all things here below are subject to



variety, and other princes and parliaments may arise. Let not succeeding generations have cause to lament and say: 'England sent our fathers forth with happy liberties which they enjoyed many years, notwithstanding all the enmity and opposition of the prelacy and other potent adversaries, and yet these liberties were lost at the season when England itself recovered its own.' We rode out the dangers of the sea, shall we perish in port? We have not admitted appeals to your authority, being assured they can not stand with the liberty and power granted us by our Charter, and would be destructive to all government.

"These considerations are not new to the High Court of Parliament, the records whereof bear witness of the wisdom and faithfulness of our ancestors in that great Council who, in those times of darkness, when they acknowledged a supremacy in the Roman Bishops, in all causes ecclesiastical, yet would not allow appeals to Rome. The wisdom and experience of that great Council, the English Parliament, are more able to prescribe rules of government, and judge causes, than such poor rustics as a wilderness can breed up, yet the vast distance between England and these parts abates the virtue of the strongest influences. Your councils and judgments can neither be so well-grounded, nor so seasonably applied, as might either be useful to us, or safe for yourselves, in your discharge in the great day of account. If any miscarriage shall befall us when we have the government in our own hands, the State of England shall not answer for it.

"Continue your favorable aspect to these infant plantations, that we may still rejoice and bless our God under your shadow, and be there still nourished with the warmth and dew of Heaven. Confirm our liberties, discountenance our enemies, the disturbers of our peace, under pretense of our injustice. A gracious testimony of your wonted favor will oblige us and our posterity."

The Committee of the House was favorable to them. They felt a lively interest in New England, not merely on account of its being the first-fruit of Puritanism, but because in the eventful times in which they lived it was not impossible it might yet become an asylum for themselves. "We encourage," they said, "no appeals from your justice, we leave you all the freedom and latitude that may in any respect be duly claimed by you."



## CHAPTER VII.

Massachusetts, with the Rebels in England—Proclamation against the King's Party—Hugh Peters sent to England to urge on the Rebellion—Cromwell appoints him his Chaplain, and presents him with a Commission of a Colonel in the Army—His favorite Text in Execution—The Provincials decline to use the names of the Keepers of the Liberties of England in Official Papers, or to renew their Charter—They also refuse to take part in the War between England and Holland—Conduct of the Virginians after the King's Death, contrasted with theirs—Trade with Virginia forbidden—Admiral Ascue sent to reduce the Loyalists to Obedience—Puritans of Massachusetts flatter the Parliament, and approve Cromwell's Share in the Death of the King—He offers them Jamaica, or confiscated Estates in Ireland—Reasons for declining—Arrival of the Regicides, Goffe and Whalley—Their Reception and History—Pretended Search for them—Conduct of Virginia at the Death of Cromwell, contrasted with that of Massachusetts—Extraordinary Letter of the General Court to Charles II.—The King proclaimed—People forbidden to drink his Health.

THROUGHOUT the whole period of the Civil War, which finally ended in the captivity and death of Charles I., the colonists warmly and deeply sympathized with the Puritan rebels and saintly murderers of the unhappy monarch. Some of the more zealous and active spirits returned to their native land to join in the work of the brethren, and those who anxiously watched the progress of events at a distance, gave consolation and encouragement to the volunteers who departed in this holy cause. "If thy brother entice thee to serve other gods," they said, "thou shalt surely put him to death." "For speaking lies in the name of the Lord, his father shall thrust him through when he prophesieth." But the issue of human affairs is in His hands, who alone directs them and as no one can tell what a day may bring forth, prudence dictated a simulated neutrality of conduct in their public acts. Accordingly, the following extraordinary proclamation was issued by the Governor: "Whereas the civil war and dissensions in our native country, through the seditious words and carriages of many evil-affected persons, cause divisions in many places of government in America, some professing themselves for the king, and others for the Parliament, not considering that the Parliament themselves profess that they stand for the king and

Parliament against malignant Papists and delinquents in that kingdom ;

“It is therefore ordered, that what person soever shall by word, writing, or action, endeavor to disturb our peace, directly or indirectly, by drawing a party, under pretense that he is for the King of England and such as join with him against the Parliament, shall be accounted as an offender of a high nature against the commonwealth, and to be proceeded with either capitally or otherwise, according to the quality and degree of his offense. Provided always that this shall not be extended against any merchant strangers and shipmen that come hither merely for matters of trade or merchandise, albeit they should come from any of those parts that are in the hands of the king, and such as adhere to him against the Parliament ; carrying themselves here quietly, and free from railing or nourishing any faction, meeting, or sedition among us as aforesaid.”

Nothing can be more impartial than the recital which applies to both sides, and nothing better calculated to effect its object, than the enacting clause, had it not been for a slight omission of one of the contending parties. Had this document ever been called in question in after days, no doubt it could easily have been shown to have originated in a mistake of the clerk, or in an error of the press.

While the civil war was in full progress, a parliamentary ordinance appointed the Earl of Warwick “Governor in Chief and Lord High Admiral of all those islands and plantations inhabited, planted, and belonging to any of his Majesty’s the King of England’s subjects, within the bounds and upon the coast of America,” to be assisted by a council, composed of five peers, the Earls of Pembroke and Manchester, Viscount Say and Sele, Lords Wharton and Roberts, and twelve members of the House of Commons, among whom were Sir Harry Vane, late Governor of Massachusetts, Samuel Passall, one of the original patentees of that colony, Hazelrig, Pym, and Cromwell. This Board, a pretty close imitation of the late royal commission, of which Laud had been the head, was authorized “to provide for, order, and dispose all things which they shall from time to time find most fit and advantageous to the well-governing, securing, strengthening, and preserving of the said plantations, and chiefly to the preservation of the *true* Protestant religion among the said planters and

inhabitants, and the further spreading and advancement of the Gospel of Christ among those that yet remained there in great and miserable blindness and ignorance." They were also authorized to appoint, at pleasure, "all such subordinate governors, counselors, commanders, and officers as they shall judge to be best affected, and most fit and serviceable." But, as to any particular plantations, they might, if they saw fit, depute to them any or all of the above granted powers.

Republicanism was still further advanced in the colonies by this Board. They gave to the noted Roger Williams a charter, including the shores and islands of Narraganset Bay, west of Plymouth, and south of Massachusetts, as far as the Pequod river and country, to be known as Providence Plantation, with authority to the inhabitants "to rule themselves" as they should find "most suitable." This patent was, to all intents and purposes, a grant of independence. Similarity of religious and political sentiment, as well as gratitude for favors received, and hopes for the future, led the General Court to aid the revolutionary party in every way that was compatible with the possible contingency of a restoration. They accordingly set apart a day nominally for prayer, but, in fact, for thanksgiving, for the glad tidings from England. Three agents, at the head of whom was the notorious Hugh Peters, the pastor of Salem, were sent there "to promote the interest of reformation, by stirring up the war, and driving it on."

For this task, no man could be better qualified than Peters. Having been expelled from Cambridge, for irregularity of conduct, he became a constant frequenter of the theatres, and led a dissolute life among the actors. Mistaking disgust and satiety—the inevitable consequence of debauchery—for repentance, he reformed his habits, applied himself to theological studies, and was ordained by the Bishop of London. But such is the effect of early dissipation, that the temptations of the town, increased by abstinence, overpowered him again; and, having been detected in a most flagitious offense, he fled to Holland, to avoid the punishment of the Civil and Ecclesiastical Courts. He did not quit the Church from conscientious scruples, but because he had violated his vows, and offended against the laws of both God and man. Like many others in all ages, he resorted to hypocrisy as a cloak for his guilt, and was received by the Puritans as a "brand plucked from the fire." The buffoonery of his manner,

and his singular power of modulating his voice, which he had acquired on the stage, rendered him a most popular preacher.\* To these qualifications he added another of no less importance—a thorough hatred of royalty and episcopacy. His instructions from the General Court were either verbal, as being too dangerous to be recorded, or purposely destroyed after the Restoration, as they can not now be found; but their sanguinary nature appears abundantly in his trial. Such being his popular talents, and such his errand, he was welcomed by Cromwell with open arms, who created him his own chaplain, and presented him with the commission of a colonel in the army, saying, at the same time, that he always found those who excelled in prayer made the best soldiers.

The favorite text of the colonial delegate and divine but too plainly indicated the object for which he crossed the ocean: "With high praises in our mouths, and a two-edged sword in our hands, we are to execute judgment upon the heathen, and punishments upon the people; to bind their kings with chains, and their nobles with fetters of iron."†

When the unhappy monarch was brought a prisoner to London, Peters was his jailer, for which office his savage temper and offensive manners were considered as the best qualifications. Whether he was one of the masked headsmen is involved in some obscurity. Mr. White Kennet says, that he was generally suspected to have been one, and a man of the name of Hulet the other. In publicly returning thanks for being permitted to share in the awful scene, he exulted, as he said, with Simeon: "Lord, now lettest Thou Thy servant depart in peace, for mine eyes have seen Thy salvation." His conduct at his own execution has been variously represented. Burnet, in his "History of his Own Times," says: "That he was the most sunken in spirits of any of the regicides. He had not the honesty to repent, nor the strength of mind to suffer for his crime. He was observed to be constantly drinking some cordial liquors to keep him from faint-

\* In those days the hour-glass often found a place in the pulpit. In a likeness of him, prefixed to his life, he is represented as turning one, and saying to his congregation, "I know you are good fellows, stay and take another glass."

† For want of excitement, Peters' zeal among his parishioners at Salem was observed to have greatly cooled before he sailed on this mission. He had suppressed the weekly lecture there, to enable him to prosecute schemes for the fisheries, and for ship-building.



ing." Equally respectable authorities say, that he met his fate with firmness and resolution. The former version has probability so recommend it. Harrison and others were enthusiasts, who thought they were acting in obedience to the will of Heaven, of which they believed that they were the chosen instruments. However much they deluded themselves, it was at all events their firm conviction, and they had the honest support of a misguided conscience to sustain them in their last moments, while their courage as men had too often been exhibited to admit of a doubt. Peters, on the other hand, so far from having been trained in the rigid school of Puritan morals, was nurtured in profligacy, and adopted the tenets of the Congregationalists, not because he believed them, but that they afforded him an asylum when expelled from all respectable society. It is not improbable, therefore, that like most ruffians he was a coward.\*

But much as the Provincials sympathized with the Parliament, and firmly as they believed that Providence had sanctioned their undertaking, and crowned their arms with success, they thought their own prayers had been equally heard, and their cause no less blessed, and that their little republic was as much their own, as the greater one was the heritage of the transatlantic saints. Accordingly, when admonished that all process in the local courts should be in the name of the keepers of the liberties of England, and that the powers then in being should be acknowledged by a renewal of their charter, they adopted the prudent course of maintaining silence and delay, as better suited to their purpose than open defiance; and continued the forms to which they had been accustomed, without too broadly asserting their rights on the one hand, or apologizing for their disobedience on the other. They observed the same reserve afterward, when Cromwell transmitted a ratified treaty with Holland as to the boundaries of New England, and the Dutch colony on the Hudson. They declined to exchange it with the governor of that province, informing him that such a formality was unnecessary, as the line indicated on it was one which they had always held, and by which they were still willing to abide.

Shortly afterward they assumed a still more decided attitude. When a rupture took place in Europe between England and

\* His widow, who remained in New England, was allowed a pension of thirty pounds per annum from his friends and admirers in Massachusetts.



Holland, they informed Cromwell that they did not consider it necessary for them to embroil themselves in hostilities as a necessary consequence of European wars, and very quietly continued to maintain, as before, friendly relations with their Belgic neighbors. Upon being again pressed upon the subject, and requested to join in an expedition he had sent for the reduction of the Manhattan settlements, they pleaded scruples of conscience as to embarking in foreign wars, and stated it was more agreeable to the Gospel of Peace, which they professed, and safest for the provinces, to forbear the use of the sword; but to show their respect for his Highness the Protector, and their gratitude to God for having raised him to supreme authority, that all the churches may find rest, they *gave permission to the commanders of his forces to enlist five hundred volunteers* within the state, provided the said recruits were severally free from legal disabilities. Although they had thus artfully evaded compliance with his order in a matter that would have established a dangerous precedent, they cheerfully admitted the lawfulness of his power in the mother country, and a day was set apart for public thanksgiving to Divine Providence "for the hopeful establishment of a government in England."

Much stress has been laid in this work on the importance to be attached to the character and feeling of the early settlers of a country, and the necessity of giving due weight to such a consideration is well illustrated by the different conduct at this critical period of Massachusetts, which was peopled by Puritans, and Virginia and other colonies, to which Churchmen and the friends of the monarchy resorted. We have seen that the former discountenanced the royal partisans within her borders, and sent agents to England with secret instructions to forward the rebellion. The latter, together with Barbadoes, Antigua, and Bermuda, adhered to the king, even while in exile. Virginia had a population of twenty thousand, and was determined to resist the usurpation of the rebel forces. Observing that wherever the Independents settled, they sowed the seeds of republicanism, they passed severe laws against them, in order to rid themselves of such troublesome inmates. Driven from thence, they settled in Maryland, which had soon reason to repent of her hospitality. "They were as much refreshed with their entertainment in Maryland," quaintly observes a contemporaneous author, "as the

snake in the fable was with the countryman's breast, for which they were equally thankful."

They began to pick quarrels first with the Papists, next with the oath of fidelity, and lastly, they declared their averseness to all conformity, wholly aiming, as themselves since confessed, to "deprive the Lord Proprietors of that country, and to make it their own."

Virginia also offered at the same time an asylum to the loyalists who fled from the proscriptions and unrelenting cruelty of the republican forces. They went so far as to propose to their exiled prince to take refuge among them, instead of seeking protection from a foreign power. Charles II., on his part, sent from Breda a new commission to the faithful governor of that true-hearted people, in which he declared it to be his purpose to rule them according to the laws of England. At the same time, he recommended them to build forts for preventing internal rebellion or foreign aggression. Enraged at the devotion of these loyal colonies, an order was passed by the Parliament, empowering the Council to reduce the refractory plantations to obedience, and enacting that foreign ships should not trade at any of the ports of these four malignant provinces—Barbadoes, Antigua, Bermuda, and Virginia.

Massachusetts on this occasion exhibited her usual skill. She re-enacted the law against the malignants, and prohibited all intercourse with Virginia until she acknowledged the supremacy of the commonwealth. This was done with the double view of gratifying the Protector, and of escaping from the inference that any legislation was binding upon her but that of the General Court. Cromwell was not a man to content himself with a paper war. In the ordinance relative to the prohibition of their trade, he used language which showed how deeply he felt the opposition of the loyalists, and gave a sure presage of vigorous measures. In that extraordinary act, he calls them notorious robbers and traitors, and adds that as the colonies were settled by and at the cost of England, they ought to obey her laws. To enforce a submission which threats could not extort, he dispatched Admiral Ascue with a powerful armament. He was instructed to use, in the first instance, peaceable means to bring the people to obedience, but if they should prove unsuccessful, to employ hostility, setting free such servants and slaves as would

fight against their masters, and causing justice to be administered in the name of the commonwealth.

The force thus sent against the royalists was too powerful for the undisciplined planters, and when the Governor Berkely, who had made every possible exertion to defend the country, capitulated, it was upon very favorable terms, that were as satisfactory to his sovereign, as they were honorable to his own skill and courage.

A variety of circumstances now contributed to the adoption of a policy, and the passing laws in pursuance thereof, which has exercised a most powerful influence on the fortunes of the mother country, whether for good or for evil, statesmen are not yet agreed, and mainly contributed in various ways to produce the American Revolution. It was the era of the navigation laws. Alarmed at the diminution of English commerce, and the great increase of that of the colonies as well as of the north, while Cromwell protected his own and humbled a rival, he managed to punish the loyal plantations, and make them pay tribute for disobedience. With this view two acts were framed, one of which expressly prohibited all mercantile intercourse between the transatlantic provinces and foreign states, and the other ordained that no production of Asia, Africa, or America, should be imported into the dominions of the commonwealth but in vessels belonging to British owners, or to the people of the colonies, and navigated by an English commander, and by crews the greater part of whom were to be subjects of the realm, for foreigners were also precluded from bringing to England any thing but the produce of their own respective countries, or those of which they were the staples. At first this created more alarm than annoyance. As far as the Provincials were concerned, they evaded or disregarded it, while it increased their carrying trade by transferring to them a part of that enjoyed by the Dutch. The ground work, however, was securely laid for the vast superstructure erected upon it after the Restoration.

Although the colonial Puritans had never yielded that submission, either to the Parliament or to Cromwell, which the Protector thought was due from all parts of the empire, they nevertheless managed to keep on the best possible terms with them. They omitted no occasion of soothing their vanity, for which they had an insatiable appetite. To the former they said

(and I insert their own words as their participation in the rebellion is now stoutly denied)—“And for our carriage and demeanor to the honorable Parliament, for these ten years, since the first beginning of your differences with the late King, and the warre that after ensued, we have constantly adhered to you, not withdrawn ourselves in your weakest condition, and doubtfullest times, but by our fasting and prayers for your good success, and our thanksgiving after the same was attained in days of solemnity set apart for the purpose, as also by our sending over *useful men (others alsoe going voluntarily from us to help you)*, who have been of good use and done good and acceptable service to the army,\* declaring to the world hereby, that such was the duty and love we beare unto the Parliament, that we were ready to rise and fall with them, for which we have suffered the hatred and threats of other English colonies now in rebellion against you, as alsoe the loss of divers of our shippes and goods taken by the King’s party that is dead, by others commissioned by the King of Scotts, and by the Portugales.”

They had heard from Cromwell’s officers that he had a sore spot on his conscience, and they knew how to soothe, if they could not heal it. They were aware from the agitation of mind that he occasionally suffered on the subject of the king’s death, that nothing was so acceptable to him as to hear others, whose judgment he respected, approve of the deed as a necessary act of justice. Availing themselves of these scruples, which at times threw him into the deepest gloom, the Puritan divines of New England occasionally gratified him with an epistle, expressive of their entire concurrence in the reasoning that led to that foul murder. Mr. Cotton, one of the most distinguished ministers, thus addressed him, in a letter dated Boston, 28th day, 5th month, 1767. “There are three or four principles on which you have acted, wherein my judgment hath been fully satisfied. 1st. The concessions of the late King never were such as to insure a safe peace either to Church or Commonwealth. 2d. When the Parliament, assisted by the Commissioners from Scotland was

\* These italicised words refer to the mission of Peters and others. Besides many who served as soldiers, and several who attained subordinate command, the following names of colonial officers who fought under Cromwell have survived: Colonel Cook, Lieutenant-Colonel Stoughton, Major Bourne, Captain Leveretc, Ensign Hudson, and Dr. Liol, who acted as regimental surgeon. Winthrop says they did good service, and were well approved.



full, and agreed that the King could not be restored to his former estate, if it afterward voted contrary, it was prevarication, and therefore I know not how the army could have better proved its faithfulness to the State and cause, than by purging it of such corrupt humors, and *presenting the King to public trial*. Joab, the General of David's host, though he went beyond his commission in putting Absalom to death, yet he went not beyond his fidelity. These things are so clear to my apprehension that I am fully satisfied that you have all this while fought the Lord's battles. In like frame are the spirits of our brethren, the elders and churches in these parts."

For this he evinced the warmest gratitude, and offered to give them Jamaica, and transport them thither, or settle them all in Ireland on confiscated estates. In his turn he flattered their sectarian pride. He represented to them what a blow it would be to the "Man of Sin," to have a pure-minded and holy body of men like them established in such a country as the former, where his sway had been so great. He told them the children of the Lord were entitled to a paradise for their abode, like that beautiful island, and drew a glowing picture of the fortunes people of their habits of sobriety and industry, would derive from a change of residence. In Ireland he promised them the lands of the heathen for an heritage, and in either or both, his continued patronage and support. They had, however, other and more practical views. They dreaded, not only the unwholesomeness of a tropical climate, but its inevitable effect in the course of time on the morals and manners of the people. If they were to accept Ireland they would have to surrender their independence, and by returning to the undoubted jurisdiction of the supreme power in England, they might be again called upon to conform, to suffer, or to migrate. They felt safe in their distant flight, and were unwilling to move.

But perilous times now awaited the republic. There were strong indications, it was said, of a reaction in England. Their friend and advocate Oliver Cromwell was dead, and his son gave no evidence of sufficient vigor to fill the place of his father, either in the eyes of the nation or the estimation of Europe. Cant was fast going out of fashion, and mankind had learned the useful lesson, that he who has ever religion in his mouth has seldom much of it in his heart. Those who were sincere in their con-



victions, and had abstained from deeds of violence, looked on the coming change with the calmness and firmness of true courage, while such as had been hurried by their zeal into criminal acts, or had concealed rapine and murder under a cloak of hypocrisy, fled in terror and dismay.

Among those who sought shelter and oblivion in the wilds of America, were two of the regicides, Goffe and Whalley. Finding the restoration inevitable, they left London early in May, and arrived in Boston in the month of July following, in the full expectation of being either protected or concealed among the brethren, who in general agreed with them in opinion that "killing was no murder," when the person to suffer was a tyrant who thought Romanists were entitled to as much indulgence as themselves, and Churchmen, as members of the established religion, to more favors than either. Nor were they disappointed in their reasonable expectations. They were cordially received and hospitably entertained by the governor, the officers of the state, and the principal inhabitants; and on one occasion, when a royalist dared to apply to them the homely epithet to which they had so well entitled themselves by their atrocious crime, the magistrates bound the offender over to keep the peace, and severely reprimanded him for insulting their distinguished visitors, by imputing to them as an offense that which, if not a virtuous and patriotic deed, was at least a stern necessity. The meeting-houses were every where opened to them, and they attended divine service on Sundays, and observed the fasts and public thanksgiving as established by law. The sacrament was administered to them as worthy communicants, and the saints were edified by the exercise of their great gifts in praying and lecturing, as they raised their hands, dyed with the blood of their sovereign, and enlarged on the necessity of forgiveness of sins, brotherly love, and good-will to all men.

The king's proclamation exempting these criminals from the amnesty, though it did not disturb the consistency of the Puritans, awakened their fears lest their contumacy in harboring traitors might draw down upon them the forfeiture of their charter, which of all their earthly possessions, had the greatest hold on the affection of their hearts. Intimation was therefore given them to withdraw from view for the present, till the storm of popular indignation in England should blow over, and instruc-

tions were privately furnished them to proceed to the minister's house at New Haven, while diligent search would be made for them in such places as it was well known they would not be found. After a suitable time for escape had been allowed to elapse, the colonial rulers preserved appearances by affecting great zeal for capturing them, and a warrant was accordingly issued for their apprehension. To avoid even the semblance of partiality, instead of intrusting it to their own officers, who might be supposed willing to favor their concealment, it was directed to two Englishmen,\* recently arrived from Europe, zealous loyalists and rank Episcopalians, who only required a knowledge of the country, and the sympathy of the population in their errand, to have succeeded in their enterprise. Duped by the apparent earnestness of the governor, and the full and minute directions they received as to the best route to adopt in their search, and misled by the well-feigned ignorance and astonishment of every one to whom they addressed themselves for information, they prosecuted their fruitless errand, to the inexpressible amusement of the court, to whom a practical joke, from the gravity of manner they were continually compelled to observe, was a luxury which they rarely had an opportunity of enjoying.†

Having traveled as far as the Hudson, they relinquished the pursuit as hopeless, and returned to report their failure to the governor, who very gravely informed them that they had been seen near New Haven; from which he inferred that they must have entered the Manhattan settlement, and escaped to the low countries; and recommended them by all means to go to Holland, and continue their search, which, as the country was not covered by an interminable forest, like America, could scarcely fail of being crowned with success.

During all this time, the fugitives were minutely informed of all that took place; and, in order to relieve their hospitable friend, the Rev. Mr. Davenport, from any imputation on their account, they prepared a cave in the side of a hill, having a

\* Thomas Kellond and Thomas Kirk, whom they not inappropriately called *Tom* fools.

† Now and then a little dry humor would leak out in spite of themselves. A mechanic, having charged the Government £2 13s. 4d. for a pair of stocks, was ordered to be put into them himself for an hour, to test the strength of his work, and was fined £5 for extortion.

small aperture to admit air and light, and so contrived as to be effectually concealed by the thick brushwood that overhung its precipitous banks. To this they gave the name of Providence Hill, and resorted to it occasionally in times of danger, when a residence among their friends was either inconvenient or unsafe.

At last, a party of Indians having accidentally discovered their retreat, they removed to a town called Hadley, about a hundred miles distant, resting by day, and traveling by night, in order to avoid being traced thither.

They were received at this place by the minister, and continued there fifteen or sixteen years, or until their decease, enjoying the sympathy of such of the inhabitants as were intrusted with their secret, the liberal contributions of their friends at home and abroad, and on one occasion the guilty pleasure of the society of another of their associates in crime, Colonel Dixwell, who, having been less obnoxious than they, and more fortunate in his disguises, had not only avoided detection, but had wholly escaped suspicion, and was at large under the assumed name of Davis.

A singular incident, connected with Goffe, has been traditionally preserved in the family of Governor Leveret, and is thus quaintly related by a historian of this early time :

“The town of Hadley was alarmed by the Indians, in 1575, in the time of public worship, and the people were in the utmost confusion. Suddenly a grave, elderly person appeared in the midst of them. In his mien, he differed from the rest of the people. He not only encouraged them to defend themselves, but put himself at their head ; rallied, instructed, and led them on to encounter the enemy, who in this way were repulsed. As suddenly the deliverer of Hadley disappeared. The people were left in consternation, utterly unable to account for this strange phenomenon.” It was not probable (the apologists say) that they were ever able to explain it. If Goffe had there discovered himself, it must have come to the knowledge of those persons who declared by their letters that they never knew what became of him.

Both these men were of low origin and mean education, and emerged from obscurity only by their daring courage, and their unscrupulous obedience to the bidding of the Protector. Whalley had risen to the rank of lieutenant, and Goffe to that of

major-general in the rebel army,\* and upon the latter devolved the task of expelling the members of Parliament from the House, and of executing commands of a similar violent character. They died as they lived, in the full belief of that fatal doctrine, that the end justifies the means : and afforded by their crimes, their cruelty, and their impenitence, an instructive lesson to fanatics that the religion of the head but too often hardens the heart ; that speculative theories have a natural tendency to obliterate the distinctions between right and wrong, by withdrawing our attention from the practical obligations of life ; and that the stern virtues inculcated by Scripture are accompanied, surrounded, and supported by the Christian graces of mildness, meekness, and charity, and a numerous train of social and relative duties.

As at the fall of Charles I. the conduct of the Puritans of Massachusetts differed widely from that of loyal Virginia, so did the death of Cromwell also affect them in an equally opposite manner. In the latter place, as soon as they had heard of the decease of the usurper, without waiting for news from England of their sovereign's movements, they immediately proclaimed him, subverted the authority, to which they had so reluctantly submitted, and recalled from retirement their former governor, and invested him with the chief command, thus securing to themselves the double honor of being the last to lay down their arms, and the first to re-assume them, in the defense of their king. In the former colony they would not or could not believe that Providence would ever suffer him to sit upon the throne of his ancestors, even after they received a copy of his proclamation. A motion for an address to him was put and lost in the General Court. When they called to mind the part they had taken in the rebellion, and the infamous conduct of their agent, Peters, their official and private letters to Cromwell, their own proclamation against the king's adherents, their acts against Virginia, their continual disobedience and disloyalty to his royal father, the reception and protection they had given the regicides, they were overwhelmed with doubts and fears as to the future. The resistance which their ministers had recommended to them on a former occasion, they knew would be unavailing against so powerful a monarch as Charles II., they therefore resorted to the

\* The well-known Richard Baxter was chaplain to Whalley's regiment.



other alternative, "evasion and delay." They first ventured to feel their way by an address, containing the following extraordinary passage :

"Sir, we lie not before your sacred Majesty. The Lord God of Gods knoweth, and Israel he shall know, if it were in rebellion or in schism that we willingly left our dwellings in our own country for dwellings in this strange land, save us not this day. Royal Sir, your just title to the crown enthroneth you in our consciences, your graciousness in our affections ; that inspires unto duty, this naturalizeth unto loyalty. Hence we call you lord, hence a saviour. Mephibosheth rejoices that the king hath come again to his house. The truth is, such were the impressions upon our spirits as transcends the faculty of an eremitical scribe. A desert condition in some sense is an object fittest to magnify princely radiance, inferior whereof can not make the wilderness rejoice. Opaque bodies occasion the most luculent reflections. Affection makes a rhetorician Croesus' dumb son speak to prevent misery, and Zedekiah's tongue breaketh loose to acknowledge mercy. Warm with the influence of your royal favor, we, by way of congratulation, comforted ourselves that the breath of our nostrils, the anointed of the Lord, hath escaped : of whom we begin to say, under his shadow we shall live among the heathen."

The absurdity and extravagance of this language is thus gravely defended by Bancroft : "The spirit that breathes through it is republican. The style of hyperbole is borrowed from the manners of the East, so *familiar from the study of the Hebrew Scriptures.*"

The truth of these protestations, so solemnly made, was well attested by the manner in which Charles was proclaimed. This ceremony had been deferred, from a natural repugnance to acknowledge him at all ; but, in August, 1661, the aspect of affairs was so alarming, it was thought prudent to propitiate him, by complying with this usual and constitutional practice. To the act itself there could be no objection ; the difficulty lay in so carefully conducting their proceedings, and in so wording the public document, as not to admit him, in express language, to have any authority in Massachusetts, beyond that of a temporal prince, with whose ancestors they had entered into a compact, whereby, for himself and his heirs, he had surrendered the territory, comprised within certain specified limits, on the nominal condition of



receiving a fifth of the produce of all silver and gold mines. Accordingly a number of forms were proposed and discussed, but were severally rejected, as admitting too much by words or by implication, until, at last, the following extraordinary one was adopted, as the shortest, simplest, and safest that they could suggest: "Forasmuch, as Charles II. is undoubtedly king of Great Britain, and all other his Majesty's territories and dominions, thereunto belonging, and hath been some time since lawfully proclaimed and crowned accordingly; we therefore, do, as in duty we are bound, own and acknowledge him to be our sovereign Lord and King; and do, therefore, hereby proclaim and declare his sacred Majesty, Charles II., to be lawful king of Great Britain, France, and Ireland, and all other the territories thereunto belonging. God save the King."

It is observable that his Majesty is here described as king of Great Britain, France, and Ireland, and all other the territories thereunto belonging, which term is satisfied by the Orkneys and Channel Islands; but no mention is made of America, Massachusetts, or the words colonies or plantations. Brief and cold, however, as this declaration was, it was adopted with great repugnance, and the day passed in ominous gloom. An order of the Court was issued at the same time, and posted up in various parts of Boston, forbidding all disorderly behavior on the occasion, declaring that no person might expect indulgence for the breach of any law, and, "in a particular manner, that no man should presume to drink his Majesty's health, *which he has in an especial manner forbidden.*"

## CHAPTER VIII.

The King appoints a Council for the Colonies—Their Advice—Connecticut and Rhode Island send Agents, who obtain for them Charters containing full Powers of Self-government—Navigation Laws—They fall heavily on Virginia, and alarm all the Provincials—The General Court publishes a Declaration of Rights—Their Reasoning as to the Origin of their Title to the Country—They send Agents to England—Instruction given to them, and Letters of Introduction to Noblemen of Low Church or Dissenting principles—They meet with a favorable Reception, and return with a Letter from the King requiring certain Changes in their Laws and Modes of Procedure—An affected Show of Compliance—Dissipation of Churchmen, of Baptists, and especially of Quakers—Severe Treatment of latter—A Commission of Inquiry issues to Colonel Nichols and others—Their Instructions—General Court orders the Charter to be put into a Place of Concealment—Prepares to receive the Commissioners.

THE convention Parliament had scarcely adjourned, when Charles II. performed the promise he had made at parting, and endeavored to carry into effect the various acts of a foreign and domestic nature they had made. He established, in December, 1660, a council for the general superintendence of the colonies, and enforcing the laws of trade. Had he always acted upon their suggestions, he would have saved his own reputation, and spared himself and his successors many vexations and annoyances. They urged him “to agree with such as have any property in his plantations, and take the same into his own hands, in order to prevent the granting any for the future.” Sir William Berkeley, the old and loyal Governor of Virginia, repeated the same recommendation, most truly foretelling “that those patents in the next age will be found more advantageous to the crown than is perceptible in this.”

Notwithstanding this judicious advice, and the pending difficulties and controversies, he at once made two of the most extraordinary grants, of a pure, unmixed, and unrestrained democracy, that were ever issued by any monarch. The constitution of Massachusetts, it was well known, was an usurpation—the application of a local charter, by a company in London, for the purposes of civil government in America; but these were *bonâ fide* concessions, no deception was practiced, no information with-

held. Republicanism was asked, and obtained. Connecticut and Rhode Island having favors to seek, were more prompt in proclaiming the king than Massachusetts, and at once sent delegates to congratulate him on his restoration, and to solicit charters. On their arrival in England they were introduced to some Low Churchmen, of rank and influence, in whom they found most active partisans. Men whose lives are chiefly spent in making professions, are seldom able to find sufficient time to practice what they so loudly extol. Their sectarian sympathy was stronger than their loyalty, and the interest of the king and the nation were transferred, by hypocritical politicians, into the hands of crafty republicans. The charters they obtained for the delegates, vested in the propriety of freemen of Connecticut and Rhode Island the right of admitting new associates, and of choosing annually from among themselves a governor, magistrates, and representatives, with power of legislative and judicial authority. No appellate jurisdiction, and no negative on the laws, were reserved to the crown any more than in Massachusetts and Maryland. They were, to all intents and purposes, entitled to self-government; so much so, indeed, that these same royal patents remained the basis of their polity long after they became independent states. Even the oath of allegiance was not required of them. The usual clause, stipulating that their laws should be conformable to those of England, was modified, or rendered nugatory by an extraordinary reference "to the constitution of the place, and the nature of the people." It granted universal toleration to all mankind, without limitation to Christian sects.

It is no wonder the joy of the Provincials knew no bounds. The grant exceeded their fondest and most ardent hopes. In Rhode Island the inhabitants were assembled "for its solemn reception." The Charter was read in the audience and view of all the inhabitants, and the letters with his Majesty's royal stamp and the broad-seal, with much befitting gravity, were held up on high, and presented to the "perfect view of the people." So completely had the king denuded himself of all power, that in a subsequent reign, when the Rhode Islanders claimed the protection and interference of the sovereign against the oppressions of their own legislature, arising from frauds practiced on them in a depreciated currency, that monarch replied, under the advice of the Crown officers, that he could afford them no redress, since his

misadvised predecessor had relinquished all jurisdiction. At this period, therefore, New England consisted of several little independent republics.

While vast concessions were thus made on the one hand, most extensive restrictions were imposed on the other, by extending and remodeling the laws of trade. So much indeed was added to the outline sketched by the Long Parliament, and so novel, as well as important, were many of the provisions of this celebrated act (12th Charles II., c. 18), that it seems to have attracted to itself a name that more properly belongs to several, and has ever been known as the Navigation Law. The avowed motives for this restrictive legislation, were thus set forth: "That as the plantations beyond seas are inhabited and peopled by subjects of England, they may be kept in a firmer dependence upon it, and rendered yet more beneficial and advantageous in the further employment and increase of English shipping and seamen, as well as in the vent of woolen and other manufactures and commodities, and in making England a staple not only of the productions of those plantations, but also of those of other countries, and places for supplying them, and it being the usage of other nations to keep the trade of the plantations to themselves."

Colonial industry at that period furnished many articles for exportation, but these were of two kinds. Some were raised in quantities in America only, and would not compete with British productions in the market of the mother country: these were enumerated, and it was declared that none of them, that is, no sugar, tobacco, ginger, indigo, cotton, fustic, and dyeing woods, shall be transported to any other country than those belonging to the Crown of England, under penalty of forfeiture; and as new articles of industry of this class grew up in America, they were added to the list. But such other commodities as the English merchant might not find convenient to buy, the Provincials might ship to foreign markets, and the further off the better, because they would thus interfere less with the trade which was carried on in England. The colonists were therefore confined to ports south of Finisterre. Soon after the act of navigation was extended, and additional restraints imposed, by prohibiting the importation of any European commodities into the colonies but what was laden in England in vessels navigated and manned according to law. Effectual provision was also made for exacting the



penalties to which the transgressors were subjected. By these successive regulations, the plan of securing to England a monopoly of the commerce with her colonies, and of closing every other channel into which it might be diverted, was perfected and reduced into a complete system.

These acts filled the Provincials with consternation and anger, and by calling into question the right of the Imperial Legislature to pass them, materially extended the disaffection which neglect, the constant changes in the government of the mother country, and the spread of democratic principles had of late so much engendered. They fell with peculiar weight upon Virginia, on account of the nature of her productions, and were felt to be an ungrateful return for her tried loyalty and affection. Great Britain never afterward thoroughly regained her affections; as soon as they went into operation, that colony remonstrated against them as a grievance, and petitioned earnestly for relief. But the commercial ideas of Charles and his ministers coincided so perfectly with those of Parliament, that instead of listening with a favorable ear to their application, they labored assiduously to carry the acts into strict execution. For this purpose the most positive instructions were issued to the governor, forts were built on the banks of the principal rivers, and small vessels appointed to cruise on the coast.

The Virginians seeing no prospect of obtaining exemption, sought relief in evasion, and found means, notwithstanding the vigilance with which they were watched, of carrying on a considerable clandestine trade with foreigners, particularly with the Dutch settled on the Hudson River. Every day something occurred to revive and nourish discontent. As it is with extreme difficulty that commerce can be turned into a new channel, tobacco, the staple of the colony, sunk prodigiously in value when they were compelled to send it all to one market. It was some time before England could furnish them regularly full assortments of those necessary articles, without which the industry of the country could not be sustained or properly secured. The sense of wrong the people of Massachusetts entertained on the subject of their revenue laws, was absorbed in the interest felt in the preservation of their Charter, or mitigated by their predetermination to resist them if able, otherwise "to protract or evade," according to the advice of their elders. Having received a more



gracious answer to their complimentary letters to the king than they had expected, and somewhat recovered from the apprehension arising from a review of their disloyal conduct, they resolved to maintain with their accustomed energy and spirit what they conceived to be their just claims of independence under their patent. They accordingly took into consideration the whole subject of their own powers, and those of the Crown, and after mature deliberation, agreed upon and published a declaration of rights.

I. Concerning our liberties : 1. We conceive the patent (under God) to be the first and main foundation of our civil policy here, by a Governor and company, according as it is therein expressed ; 2. The Governor and company are by the patent a body politique in fact and name ; 3. This body politique is vested with the power to make freemen, &c. ; 4. The freemen have power to choose annually a Governor, deputy governor, assistants, and their select representatives or deputies ; 5. This government hath also power to set up all sorts of officers, superior as well as inferior, and point out their power and places ; 6. The Governor, deputy governor, assistants, and select representatives or deputies, have full power and authority, both legislative and executive, for the government of all the people here, whether inhabitants or strangers, both concerning ecclesiastical and civil matters, *without appeals*, excepting law, or laws repugnant to those of England ; 7. This government is privileged by all fitting means (yea, if need be), by force of arms to defend themselves both by land and sea, against all person, or persons, as shall at any time attempt or enterprise the destruction, invasion, detriment, or annoyance of the plantation or the inhabitants therein, besides other privileges mentioned in the patent, not here expressed ; 8. We consider any imposition prejudicial to the country, contrary to any just law of ours (not repugnant to the laws of England) to be an infringement of our rights.

II. Concerning our duties of allegiance to our sovereign Lord the King : 1. We ought to uphold, and to our power maintain the place, as of right belonging to our sovereign Lord the King, as holden of his Majesty's manor of East Greenwich, and not subject the same to any foreign prince or potentate *whatsoever* ; 2. We ought to endeavor the preservation of his Majesty's royal person, realms, and dominions, and so far as lieth in us to discover and

prevent all plots and conspiracies against the same, &c.; 3. We ought to seek the peace and prosperity of our King and nation, by a faithful discharge in the governing of this people committed to our care."

To which is added a clause, that the warrant for the apprehension of Goffe and Whalley ought to have the support of the court, and that no shelter should be given to people *legally obnoxious* and flying from justice. This extraordinary document exhibits more briefly and distinctly their ideas of their own independence, and their own nominal allegiance to the crown, than the most labored treatise, and possesses the additional advantage of not being an inference from facts subject to be controverted, and open to the charge of prejudice, but a manifesto carefully weighed, deliberately adopted, and entered on record in the journals of the house.

Here are distinctly shadowed out the three great doctrines on which their sovereignty rested. The first is a positive denial of the right of appeal; the second, a declaration that acts of Parliament regulating their trade were unconstitutional; and the third, an assertion of their peculiar privilege of managing their own internal affairs. These three principles, accompanied as they were with a distinct avowal of the legality of maintaining them by force of arms, comprise absolute independence. They are wholly irreconcilable with any thing like imperial control, and leave the king nothing but an empty title. It is, therefore, absurd to ascribe the origin of these pretensions to the revolution of 1783. They thus early asserted and contended for unmixed and uncontrollable republicanism. Nor was the demand either unnatural or inconsistent with their position or prejudices, and the circumstances of both Europe and America at the time. They had grown up in neglect, and self-government was essential to their existence as a community. Having exercised it for a long period from necessity, they became enamored of it from use, and now demanded it as a right. According to these views, into which they had reasoned themselves, their connection with England was purely voluntary. The only compact they had with its sovereign, they alleged, was to pay him a fifth of the gold and silver ore found in the soil, which they expressed their willingness to do, whenever any should be discovered. On that condition, and that their laws should not be repugnant to those of the

parent country, they obtained the territory. But they said, if there were no charter, they still owed no obedience ; for the king, in fact, had no title himself by pretense of discovery, which was a mere popish doctrine derived from Alexander VI. ; and their own was far better, being founded on prior possession, actual and continued occupation and improvement, and purchase from the Indian chiefs.

Had the habits of the monarch been at all equal to his abilities, and his means adequate to enforce his authority, it is probable he would have taken prompt and efficient measures to insure their submission. His sagacity penetrated their designs, but his indolence and indecision were unequal to a contest in which there was neither present emolument to reimburse the expense, nor an increase of royal power to add strength or dignity to the throne. He resorted to professions of regard, and was met by such extravagant hyperboles, as to excite the irrepressible laughter of the courtiers. He was less successful in negotiation. They were subtle disputants, and having overpowered their own judgment and strong intellects with casuistry, were easily able to vanquish his statesmen, whose minds were more occupied with their own intrigues than the affairs of a distant and refractory colony. In the end, as we shall presently see, he resorted to a court of law, and partially effected his object.

Complaints still continuing to be made of their want of toleration, arbitrary conduct, and disaffection, the local government thought it necessary to send two agents to England, to endeavor to meet these charges in the best manner they could. These gentlemen accepted the trust with the greatest reluctance, and such was their apprehension relative to their own personal safety, that they first stipulated for reimbursement and indemnification from the consequences of their detention by the court. They were fortified with letters to Lord Saye and Sele, who had more Puritanism than was consistent with his character for good sense, and more sympathy with colonial independence than was compatible with his duty to his sovereign. Lord Clarendon, Lord Manchester, Colonel Temple, and others were also solicited to aid and assist their envoys, who were finally dispatched with especial orders to obtain all they could, and to yield nothing. As the instructions are very brief, and exceedingly characteristic, I insert them.

1. You shall present us to his Majesty as his loyal and obedient subjects, and not to be wanting to instance in the particulars which most and best render us so to be.

2. You shall endeavor to take off all scandal and objections which are or shall be made against us.

3. You shall endeavor the establishment of the rights and privileges we now enjoy.

4. You shall not engage us, by any act of yours, to any thing which may be prejudicial to our present standing, according to patent.

They met a favorable and, what appeared to them, a gracious reception from the king, who assured them he would confirm the main objects of their charter, but commanded them immediately to rectify several serious deviations from its spirit and meaning. On their return to their native country, his Majesty delivered to them a letter, addressed to the Government of Massachusetts, containing an amnesty for past offenses, but requiring that all their laws should be reviewed, and such as were contrary or derogatory to his authority and government should be annulled and repealed; that the oath of allegiance should be duly observed, that the administration of justice should be in his name, that liberty should be given to all that desired, to use the Book of Common Prayer, and perform their devotions in the manner to which they had been accustomed; that all persons of good and honest lives and conversations, should be admitted to the sacrament of the Lord's Supper, according to the service of the Church of England, and their children to baptism; that in the choice of governor and assistants, the only consideration to be had should be of the wisdom, virtue, and integrity of the persons to be chosen, and not of any faction, with reference to opinions and outward profession; that all freeholders of competent estates, not vicious, &c., though of different persuasions, should have their votes in the election of all officers, civil and military; and, finally, that the letter should be published, &c.

However reasonable these things now appear, they were considered at the time very detrimental to their rights, by a people who had hitherto tolerated no interference in their internal affairs. They deemed them subversive of their liberty on the one hand, and destructive of all true religion and good government on the other. When so many things, however, were ordered to



be done, and so many innovations required, it was manifest some compliance was necessary, if only for the sake of preserving appearances. The letter was accordingly published, which was the easiest to be complied with of all the injunctions it contained, but the order for its promulgation was accompanied, as usual, with a caution, that no further action was to be taken upon it for the present. "Inasmuch as it hath influence upon the churches, as well as civil state, all manner of action, in relation thereto, shall be suspended, until the next General Court, that so all persons concerned may have time and opportunity to consider of what is necessary to be done in order to his Majesty's pleasure therein."

It was also ordered, that all writs and legal process should thereafter be issued in the name of the king. To admit it to appear in the judicial proceedings was unavoidable, but to enforce respect for it would be in itself an acknowledgement of a foreign power; and the different submission required to local and imperial authority was forcibly illustrated by two contemporaneous suits.

A person who had rendered himself obnoxious by petitioning against the colony, happening shortly afterward to be in court, was accused of discourteous conduct, fined £200 for his contempt, and ordered to find sureties in a like sum for his good behavior; while a constable, who refused to publish the king's letter, and a select-man, who spoke disrespectfully of it, were both acquitted on an alleged deficiency of proof.

The determination to evade or delay, which had become a fixed rule of conduct on all occasions, exhausted the patience of the English government. Churchmen, both within and without Massachusetts, were loud in their complaints, that the colony was rendered intolerable to the one, and practically closed to the other; while those who felt aggrieved at the decisions of the court, expressed, in strong terms, the sense they entertained of the hardships they endured, in being debarred from a rehearing, and by having an appeal converted into an offense of a very serious nature, that of slandering the Lord's elect.

Among others who were aggrieved were the Quakers, who stated that their people had suffered incredible punishments and persecutions at the hands of the Puritans. Without entering into the heart-rending details of the cruelties practiced upon them, it



is merely sufficient to state what enactments were made against them. One of the first imposed a penalty of £100 upon the master of any vessel who should bring a known Quaker into any port of the colony, and required him to give security to carry him back again; in the mean time, the unfortunate man was sent to the house of correction, and whipped twenty stripes, and afterward kept at hard labor, until transportation. They also laid a fine of £5 for importing, and the like sum for dispersing, their doctrinal books, and for defending their heretical opinions. The next year, an additional law was made, by which all persons were subjected to the penalty of forty shillings for every hour's entertainment given to any known member of the sect; and any Quaker, after the first conviction, if a man, was to lose one ear, and the second time, the other; a woman, each time to be severely whipped, and the third time, man or woman, to have their tongues bored through with a red-hot iron; and every one who should become a convert in the colony was subjected to the like punishment. Afterward, a fine of ten shillings was laid on every person present at any of their meetings, and £5 upon any one speaking there.\*

\* That these poor zealots were superior to the gloomy bigots who persecuted them, appears from the following extract from W. Leddra's address to his brethren, written the day before his execution, which, considering the station of the man, and the circumstances under which it was written, is singularly beautiful:

"MOST DEAR AND INWARDLY BELOVED,

"The sweet influence of the morning star, like a flood distilling into my innocent habitation, hath so filled me with the joy of the Lord, in the beauty of holiness, that my spirit is as if it did not inhabit a tabernacle of clay, but is wholly swallowed up in the bosom of eternity, from whence it had its being.

"Alas, alas! what can the wealth and spirit of man that lusteth to envy, aggravated by the heat and strength of the king of the locusts, which came out of the pit, do unto one that is hid in the secret places of the Almighty, or to them that are gathered under the healing wings of the Prince of Peace? O, my beloved, I have waited as the Dove at the windows of the Ark, and have stood still in that watch, which the Master did at His coming reward with the fullness of His love, wherein my heart did rejoice that I might speak a few words to you, sealed with the spirit of promise. As the flowing of the ocean doth fill every creek and branch thereof, and then returns again toward its own being and fullness, and leaves a savor behind it, so doth the life and virtue of God flow into every one of your hearts whom He hath made partakers of His divine nature, and when it withdraws but little, it leaves a sweet savor behind it, that many can say they are made clean, through the word that He hath spoken to them. Therefore, my dear hearts, let the enjoyment of the life alone be your hope, your joy, and your consolation. Stand in the watch within, in the fear of

Notwithstanding all this severity, their number, as might well have been expected, increased rather than diminished. When brought up for judgment, one of them observed, "for the last man that was put to death here, are five come into his room; and if you have power to take my life from me, God can raise up ten of His servants, and send them among you in my place, that you may have torment upon torment."

All these tortures, imprisonments, corporal and other punishments were inflicted without remorse, and endured without producing any other effect than feelings of horror or pity in the beholder. Four of them suffered capitally. To the positive orders of the king that these dreadful barbarities should be discontinued (after having first satisfied themselves of their inefficiency), they yielded compliance, so far as mutilation and death were employed, and the persecution of vagabond Quakers dwindled down into mere whipping, with the merciful limitation attached to it, that the culprit should be only flogged through *three* towns. The Baptists who had also been treated with great severity, joined in the universal complaint against them.

Finally the Lords of the Council, who were daily besought for relief by so many different interests, represented to the king, (January, 1662-3), "that New England hath in these late times of general disorder, strayed into many enormities, by which it appeared that the government there have purposely withdrawn all manner of correspondence, as if they intended to suspend their absolute dependence to his Majesty's authority."

Not wishing to proceed to extremities with these intractable people, Charles resolved upon sending commissioners to report upon the actual state of the colonies; and accordingly Colonel Nicholas, Sir Robert Carr, George Cartwright, and Samuel Maverick, were authorized to proceed to America, "to visit the

the Lord, which is the entrance of wisdom. Confess Him before men; yea, before His greatest enemies. Fear not what they can do to you. Greater is He that is in you, than he that is in the world; for He will clothe you with humility and in the power of His meekness you shall reign over all the rage of your enemies."—*Duval's History of Quakers*.

Mary Dyer addressed from the jail a remonstrance to the Court:

"Were ever such laws heard of among a people that profess Christ come in the flesh? Have you no other weapon but such laws to fight against spiritual wickedness withal, as you call it? Woe is me for you. Ye are disobedient and deceived. Let my request be as Esther's to Ahasuerus, 'You will not repent that you were kept from shedding blood, though it was by a woman.'"

provinces of New England, hear and determine all causes of complaint, as well as appeals in matters military, ecclesiastical, and civil, and to settle there peace and security."

The instructions given them were of a kind well calculated (as far as such a proceeding was capable) to maintain no more than the due observance of the terms of the charter on the one hand, and the royal authority on the other. They were particularly charged to encourage no faction, to solicit no present profit, to countenance no change inconsistent with ancient usages, and to do nothing that might be considered an invasion of liberty of conscience. Finally, not to shock their religious scruples beyond all endurance, or to run the hazard of driving a people already highly excited, into irretrievable madness, they were commanded not to suffer their chaplain, when officiating for them, to wear his surplice.

As these gentlemen were expected in Boston early in July, a day of fasting and prayer was appointed to be observed throughout the whole province, to implore the mercy of God upon his people under their sore trials and afflictions. As it was thought not impossible some attempt might be made by the Commissioners to seize upon their charter, it was ordered to be brought into court, when it was formally delivered, together with a duplicate, to four confidential persons, who were empowered and enjoined to deposit them in a place of safety and concealment. The Governor and Council then resolved "to bear true allegiance to his Majesty, but to adhere to a patent so dearly earned and so long enjoyed." A committee was also appointed, whose duty it was, immediately on the arrival of the ships, to present their respects to the board, and request that strict orders should be given to the subaltern officers, sailors, and soldiers, on their coming on shore for refreshment, to land only in very limited numbers, without arms, and that they should be admonished to conduct themselves in a meet, orderly manner, and abstain from giving offense to the inhabitants, or violating the laws for the preservation of the peace. Having taken these precautions, and mutually encouraged each other to exercise great coolness and deliberation, in any step it might be necessary to take in this trying emergency, they awaited with patience the arrival of the formidable officers of the Crown.

## CHAPTER IX.

The Commissioners arrive at Boston—Deliver a Royal Letter to the Government, and proceed to the Hudson to attack the Dutch Settlements—The General Court in their Absence petition for their Withdrawal, and solicit the Aid of the Puritan Noblemen—Answers of the King and Lord Clarendon—General Effect of Commissions of Inquiry—The Franchise extended—The Clergy and Demagogues prepare the People for Resistance—False Rumors put into Circulation—General Court refuses to summon the People to assemble—Commissioners inquire whether they admit the King's Authority—They decline to answer, and refuse to attend before them, or to submit to an Appeal—They summon the Commissioners—Close of the Inquiry—Accidents to Commissioners reputed to be Judgments of Heaven—The King orders the Governor and other Members of the General Court to appear before him—They decline, affecting to doubt the Genuineness of the Order—Distinction taken between Obedience to beneficial and injurious Orders—The New England Colonies renew their Confederation—Effect of it—Complaints of English Merchants against the Infraction of the Laws of Trade—The Oath of Allegiance ordered to be taken, and the King's Arms set up—Agents sent to England, but ordered to yield Nothing—A Custom House Officer appointed—Opposition to him—He is obliged to return to England—General Court re-enacts Trade Laws—Its Members take modified official Oaths—Collector sent out again, but they threaten to execute him—Is obliged to quit the Colony—General Gloom in Massachusetts—People terrified by Comets—The Credentials of Agents found deficient—They offer a Bribe of two thousand Guineas to the King—Agents return, and are followed by Randolph with the *quo warranto*—General Court refuses to surrender the Charter—Their Arguments—They again petition and pretend there has been no Service of the Writ—Judgment given against them—Remarks on their Conduct—Natural effects of Dissent.

THE Commissioners arrived at Boston on the 13th of July, 1664, and having laid before the Governor and Council their letters patent, and called their attention to the last mandatory communication from his Majesty, proceeded to the Hudson, for the purpose of reducing the Dutch settlements, that interposed so inconveniently between the English provinces.

During their temporary absence, the General Court petitioned the king to revoke their authority, and once more besought the aid of all those influential persons in England, who, at one time or another had shown them any kindness. To the former they said, in their usual adulatory language, "As the high place you sustain on earth doth number you among the gods, so you will imitate the God of Heaven, in being ready to maintain the cause

of the afflicted, and the right of the poor, and to receive their cries and addresses to that end." The rest of the memorial was a lamentation, at once humble in language, and obstinate in purpose, filled with the most dutiful expressions of loyalty and obedience, but containing no pledge of fulfilling any one of the reasonable conditions, on which alone his Majesty had promised to confirm their patent. To their patrons and friends they represented the commission as an attempt to destroy their privileges, to deprive them of liberty of conscience, and to impose burdens upon them that they were unable to bear. The king, who saw through their evasions, assured them that his object was, not to infringe upon their charter, but to see that its provisions were fully and fairly complied with ; that their neighbors, the inhabitants, and the savages, as well as the emigrants, made accusations against them, into which it was his duty to inquire ; that they might rely upon the fullest protection and support that the best subjects ever received from the most generous Prince ; and finally, that he would renew the patent for them, but must first insist on a full and free toleration for Churchmen and Dissenters, and a repeal of such laws as were repugnant to those of England.

Lord Clarendon, who was one of the noblemen to whom they had addressed themselves, indignantly declined to be the medium of their double-dealing.

"I know not what you mean," said his lordship, "by saying that the Commissioners have power to exercise government inconsistent with your rights and privileges, since I am sure their instructions are to see and provide for the due and full observations of the charter, and that all the privileges granted by it may be equally enjoyed by all his Majesty's subjects there. I know they are expressly inhibited from intermeddling with, or obstructing the administration of justice, according to the forms observed there ; but if, in truth, the proceedings have been irregular, and against the rules of justice (as in some particular cases, recommended to them by his Majesty, they seem to be), it can not be presumed that his majesty hath, or will leave his subjects of New England without hope of redress by an appeal to him, which his subjects of all his other kingdoms have free liberty to make. I can say no more to you, but that it is in your power to be very happy, and to enjoy all that hath been granted to you ; but it will be absolutely necessary, that you perform and pay all



that reverence and obedience, which is due from subjects to their king, and which his Majesty will exact from you, and doubts not but to find from the best of the colony, both in quality and number."

Subsequent events but too plainly showed that both were wrong. There was too much hesitation and condescension on the part of the king, and too much dogged obstinacy on the side of the people. The whole tenor of the conduct of the colonists, from their first arrival in the country, afforded no reasonable ground for hoping for an accommodation. A commission of inquiry, that does not in the first instance supersede the local government, and assume the supreme command, is worse than useless; on the one hand, it is exposed to legalized obstructions, that it can not resist; and on the other, it subverts that respect and obedience to constituted authority, which is so essential to the well-being of a community.

This was the first time the General Court had ever come in direct conflict with the Crown. It was a difficult and trying occasion, but they proved themselves equal to the emergency. Their cautious conduct, temperate language, unflinching firmness, and grave demeanor, gave them a decided advantage over the Commissioners, who had neither the weight of character, the influence of talent, nor the amount of legal knowledge necessary for the successful discharge of their duties, while they were wholly destitute of the requisite means for enforcing their decisions.\*

They were equally forgetful of what was due to the high station they filled themselves, and to the rank and power of a local government, the choice of a free people. So far from having a proper consideration for the mortifying and humiliating position in which the General Court was placed, they seemed to regard nothing but the exercise of their own authority.

The forbearance of the governor and his council, under their

\* Hutchinson (vol. i. p. 250) thus describes them: "Colonel Nichols, by his discreet behavior, gained the esteem of the people, and afterward, while he was Governor of New York, kept up friendly correspondence with the General Court of Massachusetts. Carr and Cartwright were men very unfit for such a trust, and by their violent proceedings rendered themselves odious. Maverick seems to have been appointed only to increase the number, and to be subservient to others. He had lived in the colony from its beginning. He was always in opposition to the authority."

embarrassments, was more than could have been expected from men who had persuaded themselves they were rather sinned against than sinning. Though indignant at being summoned in the presence of their constituents, to answer to every complaint that could be solicited against them, and degraded by being put upon their trial before incompetent, if not prejudiced judges, they nevertheless maintained, with the utmost command of temper, what they affected to call their chartered rights; asserting their territorial supremacy, without recrimination on the one hand, or an open and seditious denial of royal authority, on the other. This line of conduct they steadily pursued, as long as it was possible to do so, or until submission or resistance became inevitable.

Whatever wisdom or experience may be gathered from the pages of history in general, it is certain that the annals of the old provinces, so rich in instruction, have imparted but little knowledge to those in England, in whose hands are intrusted colonial destinies. This commission, as we shall see, was a wretched failure, as every successive one has been, down to that recently sent to Canada. They are necessarily productive of infinite mischief; they lower the respect of the Provincials for the imperial Government, induce hasty and inconsiderate legislation, based on reports that are alike distinguished for their incongruity, impracticability, and disingenuousness; but, above all, they disgust by their reckless attacks (in which they make liberal use of the senseless epithets, "cliques," "family compacts," "obstructives," and "bigoted Tories") on the loyal gentry of the colonies, who are as superior to those erratic politicians in ability and practical information, as they are in integrity of conduct and consistency of character.

The General Court assembled on the 4th of August, when they resolved: "That they would bear faithful and true allegiance to his Majesty, and adhere to their patent so dearly obtained and so long enjoyed by undoubted right, in the sight of God and man." They then repealed the law relating to the admission of freemen, and, instead of it, provided another, that allowed English subjects, being freeholders, ratable to a certain value, *certified by the minister of the place* to be orthodox, and not vicious in their lives, to be made freemen, though not members of their Church.

In the mean time, the clergy and the demagogues prepared the

people for resistance; the former, by haranguing in their pulpits; the latter in their town meetings. As the whole population was constrained to attend public worship on Sundays, one day was sufficient to disseminate sedition through a country predisposed to receive it. Assembling for parish business, afforded favorable opportunities for the inhabitants to discuss what they had heard in their conventicles. The most alarming rumors were artfully put in circulation. It was said that Prelacy was to be established, and tithes set apart for the Episcopal clergy: that dissolute soldiers were to be quartered upon the elect, and £5000 a year raised for the civil-list of the king, beside a tax of twelve-pence per acre; while offices, without number, were to be created for hungry courtiers. The louder, more inflammatory, and bolder, were the harangues of their orators, the more acceptable they became; and nothing was heard through the whole province but tyranny and patriotism, liberty and slavery, victory or death.

The desired effect was immediately produced. Whoever associated with the Royal Commissioners became the objects of popular ridicule or insult. They were afraid to appeal, lest they should incur the vengeance of their offended countrymen. They were told, if they acknowledged the authority of the Board, "they would pull down with their own hands the house which wisdom had built for them and their posterity."

The Commissioners, desirous of removing the unfavorable impressions raised against them by these slanders, requested that the people might be convened together to hear their commands; but the Court, with their usual caution and evasion, dreading the effect of the interview on the firmness of the yeomanry, no less than the precedent of their obeying any one but themselves, replied that they had no objection whatever to their assembling, if they thought proper to do so; for they were free agents, and could do as they saw fit on this or any other occasion. They professed, however, their inability to understand how such a general meeting could in any way further the object of their inquiry, as the people were well-informed of all that had taken place, and were faithfully represented by their delegates, who were empowered to act and to speak in their behalf.

Entertaining this view, they said they did not feel justified in commanding their attendance, especially as the season was such

as to require the utmost exertion of every one, when labor was so scarce and expensive ; and, what was an awful consideration, it would expose the aged and infirm, and the women and children, of every frontier settlement to the fury of the savages, who would doubtless seize the opportunity of wreaking their vengeance by an indiscriminate slaughter of them all. For this reply, which was better calculated to excite ridicule than indignation, they were very coarsely stigmatized by one of the Commissioners as traitors. They then sent notices themselves, to be posted up in different parts of the colony, requesting the inhabitants to meet them, for the purpose of hearing the king's gracious letters, and learning the true object and design of their mission ; but they were too much irritated with what they had been told, to pay any attention to them.

It is not my intention to enter into any detailed account of the controversy between these functionaries and the local government, as it would not only not interest the general reader, but would withdraw our attention from the main object of the work. The Court affected to feel and lament the painful dilemma in which they were placed ; to submit, they conceived would be to strip themselves of all their rights ; to refuse compliance, seemed to be attended with odium, and the danger of being considered in the light of rebels. They said, "they esteemed it their greatest unhappiness to be held to give up their privileges by charter, and the rights of Englishmen, or else be accounted among such as denied his Majesty's authority." All their replies, therefore, were worded in such general terms, and expressed in such cautious language, that the Commissioners, after much correspondence, and conferences without number, found, to their infinite mortification, that, during the whole period of their residence in the country, they had been traveling in a circle, and had arrived at last at the same point from whence they had started, not much enlightened by their vexatious and laborious tour. Loss of time and labor generally produces a corresponding effect on the temper. Irritated at last by the evasions or refusals of the Court, they submitted to them the following question : "Do you acknowledge the patent, wherein we are appointed, to be of full force to all the purposes therein contained ?" To this form of interrogation the governor and his council objected, saying they chose rather to plead their charter, and the king's special charge, that they should

not be disturbed in its enjoyment. This being deemed wholly unsatisfactory, they were again called upon for a categorical answer ; but they declared it " was enough for them to give their sense of the rights granted to them, and that it was beyond their line to determine the power, extent, and purpose of his Majesty's Commission." Baffled in their attempt to draw them into an admission, so fatal to their defense, or into a contumacious denial of the royal authority, they determined to apply to them a most stringent test, by bringing them to their bar, as a court of appeal. They accordingly summoned them to appear before them, to answer to a complaint of a person against whom they had some time before pronounced judgment. But they protested against this assumption of power, so inconsistent with their charter, and refused to attend. At the time appointed, a herald sounded his trumpet, and read a proclamation, which, after a long recital of their own forbearance during the protracted visit of the Commissioners, and the repeated and frequent invasions they made upon their rights, declared, in his *Majesty's name*, and by the authority committed to them by their patent, that they could not consent to their proceedings, and that it was utterly inconsistent with their allegiance to suffer any persons so to contravene the king's instructions.

After this they informed the Board of their earnest desire to give them every satisfaction in their power, and notified them that they should forthwith proceed to hear the cause themselves, and desired them to appear and produce their allegations, to which every attention should be paid.

This unexpected turn of affairs brought the commission to a close in Massachusetts ; and the officers composing it, after protesting against the General Court taking cognizance of a matter in which they were directly interested, informed them that they should lose no time in such an undignified contest. They were doomed, however, to suffer still further mortification. They had been in the habit, during their residence at Boston, of entertaining a social party of friends, on Saturday evening, at the hotel where they lodged. This, it appears, was contrary to a local law, which required a strict observance of the afternoon of that day, as a portion of the Sabbath. A constable, intruded into their room, ordered them, *in the king's name*, to disperse, which caused his immediate ejection from the house. Thinking



that the insult was an intentional one, premeditated and suggested by the magistrates, and fearing a repetition of the outrage, they adjourned to the house of a friend, where they were again visited by another bailiff, who, after admonishing them to mend their manners, observed, it was fortunate they had not had him to deal with, as he would assuredly have arrested them all. "What," said one of the Commissioners, "would you have presumed to lay hands on the king's officers?" "Certainly," was the reply of the democratic and sanctimonious constable, "I would seize the king himself if he were here." Not knowing where this conduct might end, they left Massachusetts on a tour to the other New England colonies, in which they experienced much difficulty, though more obedience and courtesy than at Boston.

Like all commissioners of inquiry that have ever been sent to America, they deemed it requisite to prove the necessity of their appointment, by encouraging and graciously receiving complaints against the local government. That the charter, which was never designed as a constitution, was too undefined in its terms, and too restricted in its practical operation, and that many beneficial reforms were required, was beyond all doubt; but it was equally obvious that respect was due to the station and character of the governor and court of assistants, to the feelings of people of influence and rank in the colony, and to the ministers of the great body of the population. Mankind are sufficiently prone to disobedience to their superiors; but when the organs of imperial authority lend their countenance and afford encouragement to the disaffected, every land, whether it be the barren soil of New England, or the fertile region of Canada, will bear a plentiful harvest of falsehood, misrepresentation, and discontent.

One of the Commissioners was captured by the Dutch, on his return to England, and lost all his papers, and another died the day he landed in Bristol; two accidents, which were seized upon by the ministers, with their usual propensity for the marvelous, and declared to be the just judgments of God upon those who had sought to injure the Lord's elect. Such a signal interposition of Providence raised the drooping spirits of those who doubted the propriety of the conduct pursued by the General Court, and confirmed the obstinacy and increased the spirit of resistance in the magistrates and people. The official narrative, however, of their proceedings reached England in safety; and, as might have

been expected from the treatment they had received, was very unfavorable. It disclosed very plainly,\* how systematically the Provincials had always pursued their darling object, self-government, from their first settlement to the period of the rebellion in England, when they besought Cromwell to bestow absolute independence upon them, and from thence to the arrival of the Board, whose authority they eluded or denied, calling themselves a state, a commonwealth, and a people, in contradistinction to a colony and subjects.

As soon as the result of their mission was known, it occasioned great indignation. A letter addressed in the name, and by the order of the king, and countersigned by Secretary Maurice, was dispatched to Boston without delay, commanding on their allegiance Mr. Bellingham, the Governor, and Mr. Hawthorne, the Speaker, together with three others, to be chosen by the General Court, to proceed forthwith to London, to answer the various charges which from time to time had accumulated against them. The peremptory tone of the order required their immediate and serious attention. The Legislature was convened, and six elders successively prayed for a blessing on their deliberations, and the discovery of some practicable mode of escape from their troubles.

They were indebted to their ingenuity, for what no one else but themselves would have attributed to their supplications. A slight deviation from the truth effectually answered their purpose. They affected to doubt the authenticity of the letter, as they were not familiar with the signature of the officer by whom it was signed, and pronounced it a forgery. They therefore agreed upon an answer, in which the genuineness of the royal mandate was questioned, and excused themselves for sending over agents, especially as they said the ablest among them could not declare their cause more fully than it had been done already. An abstract of the debate on this occasion has been preserved,† and exhibits in strong colors their determined purpose to resist the right of supervision or appeal. A very curious and subtle distinction was taken between such commands of the king's as were beneficial to them, and such as were not.‡ It was argued that the civil magistrate was a minister of God for the good of the

\* See "Hutchinson's History of the Colonies," vol. III. p. 412.

† See the Danforth Papers in vol. xix. Massachusetts Hist. Col.

‡ See Cobbet's letter in note to Hutchinson's History, vol. I. p. 253.

people, and so far as his injunctions tended to their advantage, ought to be obeyed for conscience sake, but none would say it was for the benefit of a colony to send away its rulers!

In the mean time the confederation of Massachusetts, Connecticut, and Plymouth, was again renewed by commissioners from the respective provinces, who entered into an offensive and defensive alliance. This *convention* increased the confidence of the people in their own strength, by giving unity to their designs, and vigor to their conduct. When assembled, they represented a very extensive country, and a large population, and naturally encouraged each other in struggling for independence, which was their motive for settling in America, and the inheritance they hoped to leave to their children.

A new interest, however, had now sprung up in England, adverse to the pretensions of the colonists, that enlisted the people on the side of the king, which it was easy to foretell would soon overpower them. The commerce of the American provinces, as we have seen, had already been regulated and restrained by Parliament. It was now considered a proper object for taxation. Duties were laid upon certain enumerated articles, which were to be collected in a new manner. The management of this branch of revenue was committed to local officers, to be appointed by the commissioners of the customs in England. The duties of tonnage and poundage had been extended to every dominion of the Crown at the Restoration, but this was the first act which imposed imposts on the colonies alone (1662), to be regularly collected by provincial revenue officers. The former acts had not only been evaded, but openly disregarded by the people of Boston; and the English merchants complained that they traded directly to various ports in Europe, and invited foreigners to visit them; that they supplied the adjoining plantations with the productions of other nations, which ought to be sent to Great Britain alone; that, having thus made Massachusetts the great emporium for America, the commerce of the kingdom was greatly prejudiced, the national resources impaired, and the people impoverished. They also added, that such abuses would at once destroy the trade of England, and effectually relieve the colonies from any sort of dependence on the parent country. The interest at stake was too vast and too important to be trifled with. The governors were therefore commanded, by royal authority, to enforce

a strict obedience to the laws of trade. Commissions were transmitted, empowering proper persons to administer an oath, framed to secure their strict observance. To add weight to these measures, it was determined "that no Mediterranean passes should be granted to New England, to protect its vessels against the Turks, till it should be seen what dependence it would acknowledge on his Majesty, or whether his custom-house officers should be received as in other colonies."

In order to counteract the effects of the unfavorable report of the Commissioners, and to allay the irritation arising from so many grievous complaints, it was deemed advisable by the General Court spontaneously to make some concessions, which, if they did not wholly answer their avowed purpose, would at least enable them to procrastinate awhile longer, and retain the advantage that might be offered by time or opportunity. They therefore passed an act to punish high treason with death, and another requiring all persons above sixteen years of age to take the oath of allegiance, on pain of fine and imprisonment; the governor, his deputy, and the magistrates, having first taken the same, without reservation, in the words\* sent them in the royal mandate. The king's arms were also ordered to be carved and put up in the Court-house. Randolph, who had suffered imprisonment with Sir Edmund Andross, and had never forgotten or forgiven the injuries then received, had carried to England very exaggerated accounts of the wealth and population of Massachusetts, and now returned empowered to administer to the New England governor an oath to enforce the acts of trade. In Massachusetts it was peremptorily refused, on the ground that no such oath was required by the charter. They, however, enacted one of their own on the subject, and voted a present to the king of some cranberries, *a special good samp.*, as they were designated, and also some cod-fish, cured after the manner of the country.

They were again admonished by his Majesty, who appears to have treated them with great consideration, to send agents to

\* The form of the oath, as previously existing, is one of the most evasive and loose ever constructed. It is in the following words: "Whereas I, A. B., am an inhabitant within this jurisdiction, considering how I stand obliged to the King's Majesty, his heirs and successors, by our charter and the government established thereby, &c., swear, by the great and dreadful name of the everlasting God, that I will bear faith and true allegiance to our sovereign Lord the King, his heirs and successors. So help me God."



England, with full power to answer for them, and, in the mean time, required their immediate compliance with the several injunctions contained in the previous mandate. Having so often found safety in delay, they persevered in this system of procrastination, alleging as an excuse, the dangers of the sea, the agent for Connecticut having been recently captured by the Algerines, and the heavy debt of the colony, which made it almost incapable of the expense. At last, however, the orders were repeated, in such a peremptory manner, that compliance could no longer be deferred, and they were accordingly appointed, but strictly commanded not to do or consent to any thing that should violate or infringe the liberties and privileges granted by the charter, or the government established by its authority.

It was difficult to submit to the laws of trade on two grounds: first, they interfered with the growth and prosperity of Boston; and secondly, being acts of a foreign power, they could not well be acknowledged without admitting the authority that made them. The king, finding that nothing effectual was done to suppress these irregularities, deemed it necessary to send over a custom-house officer with a suitable commission for executing his important and delicate task. He was furnished with letters both mandatory and introductory to the local government, and influential inhabitants, to support, aid, and countenance him in his office. It required a man of no ordinary nerve to attempt to carry out such instructions, in defiance of a whole community. Such a person, however, was Randolph, who was selected for the purpose.

Against this appointment the Lords of the Committee of Colonies very properly remonstrated. They reported to his Majesty, "that no good was to be expected from the single endeavor of one man, till by a general reformation of abuses, New England is reduced to such dependence as is yielded by the other colonies."

They also suggested that the only effectual remedy, "was a governor wholly supported by the king." The wisdom of this recommendation is evinced by the whole subsequent history of the British possessions in America. Had it been acted upon, it would have saved innumerable disputes and embarrassments; but like all the advice offered to that monarch, it was received, approved, and forgotten.



As soon as Randolph landed, he was regarded as a spy and an enemy, and was not only received with coldness, but encountered obstruction and insult, both from the government and the people. He was not altogether unprepared for the result, for he had previously been informed by the governor, Mr. Leverett, in plain language, that he did not acknowledge the authority of Parliament.

"I called his attention," says the collector in his report, "to the fact that several vessels had arrived from Spain, France, Straights, Canaries, and other parts of Europe; contrary to his Majesty's laws for encouraging navigation, and regulating the trade of the plantations. He freely declared to me, that the laws made by your Majesty and your Parliament oblige them in nothing, but what consists with the interest of that colony; that the legislative power is, and abides in them solely to act and make laws by virtue of the charter; that all matters in difference are to be conducted by their final determination without appeal, and that you ought not to retrench their liberties, but may enlarge them if you please; and said that your Majesty could do no less than let them enjoy their rights and trade, they having upon their own charge, and without any contribution from the Crown, made so large a plantation in the wilderness."

In addition to the odium resulting from enforcing laws so repugnant to the prejudices and interests of the people, Randolph was also received with great dislike as an Episcopalian, a correspondent of the Bishop of London, and the avowed advocate for the settlement of a clergyman of the Established Church in Boston. No Englishman was ever hated and dreaded as much as Randolph (whom they called their evil genius), for he was resolute, persevering, well-informed, and devoted to the cause of the king, and what he esteemed to be the rights of England.\* But what can one man do when the governor, the council, the assembly, the judges, the jury, and the mob, are all opposed to him, his office, and his claims? He returned to London to exhibit another instance in his own person of the utter inutility of attempting to enforce obedience in a colony, that is virtually independent, without a total alteration in the structure of its government, or the aid of a military force. His personal and

\* He made eight voyages to England in nine years.

official influence was such, that to anticipate his complaints they voluntarily made some partial concessions. They passed an act, giving authenticity and efficacy to many of the navigation laws, thereby adopting them as their own, in preference to admitting their validity. The governor took the oath of office extracted from the English statutes, and rendered necessary by their own. They modified their Jewish code of jurisprudence, and enrolled the commission of the obnoxious officer.

These compliances induced his Majesty to try them a little longer, and the collector was sent out, contrary to his own opinion, to make another attempt to discharge his duty, and found, as he expected, that, notwithstanding all their professions, their conduct and their principles were unchanged. Immediately on his arrival, he addressed a letter to the governor, demanding the final resolution of the court, whether it would admit his commission to be in force or not, that he might know how to deport himself. Of this communication they took no notice whatever, under the impression that a reply might hereafter rise up in judgment against them; but they thought that an exhibition of contempt for him and his embarrassments was quite compatible with prudence, for it must be felt to be appreciated, and is incapable of description. They maintained silence, however, no longer than was necessary to avoid committing themselves. He was soon given to understand what he had to expect at their hands. Finding he could obtain no reply, he set up a notice on the town-house, informing the public of his commission as collector of customs, that he had opened an office for that purpose, and required all persons interested to comply with the prescribed forms. The court immediately ordered the marshal to remove the presumptuous advertisement, and adopted other measures that effectually defeated all his attempts to exercise his delegated authority. If he prosecuted for a penalty, he was compelled to lodge caution-money to respond the costs; and if it came to trial, he either lost his cause and his deposit, or the penalty was claimed by the local government.

Every body was against him. Strange rumors reached him that were not to be disregarded. His life was threatened. He knew his men; he felt that they were capable of any acts of violence, when they thought their rights infringed, and that their penal laws were neither obsolete nor dormant, but executed with

a vigor and severity wholly unrestrained by considerations of mercy, or fear of consequences. He was given to understand, if he persevered in seizing vessels, and embarrassing their trade, he should be apprehended, tried, convicted, and executed, under a local statute, that made any attempt to subvert their chartered liberties a capital offense. He was, therefore, under the necessity of once more withdrawing to England, where he exhibited seven formal articles of high misdemeanors against the General Court. They were brief, perspicuous, and capable of proof, and carried conviction on the face of them. The king's patience was exhausted; he threatened them, if they did not immediately send agents duly authorized to act and submit to them, a *quo warranto* should issue immediately. It was not now the complaint of Randolph alone that they had to answer, but the remonstrances of the whole mercantile and manufacturing interests of the kingdom. The just displeasure of an offended monarch, and the well-founded fears of English statesmen that America was aiming at independence, required the exercise of all their ingenuity and address. Two delegates were sent to England, commissioned, as usual, "to avoid or delay," to obtain what they could, but to make no concessions.

It was a time of general gloom in the colony. The king's power was increasing in England. He was carrying on a successful war against charters: even London had lost hers, and how could they suppose they were to escape? Every thing seemed to conspire against them. They were at last somewhat divided in opinion among themselves, whether it would not be better to yield; and their unity, in which had consisted their strength, was shaken. Could it be a judgment from Heaven upon them for their offenses? Could their recent toleration of sectaries have drawn down on their heads judicial punishment? They were the chosen people of the Lord. In giving way to the wishes of a prelatie king, by adopting human laws instead of those of Moses, which they had lately so impiously repealed, it was possible that disobedience might have deserved and received chastisement.

Something very remarkable, it was generally believed, was about to take place, for the air was filled with strange sounds, and the darkness illuminated with wondrous lights. Two enormous comets had traversed the heavens, and carried terror into

every heart, as they were the sure and certain forerunners of calamities to fallen, sinful man. Two of the largest fires ever then known in North America, had nearly consumed Boston ; the first destroying forty-five houses, beside numerous large stores, and, what showed the Divine vengeance of the devouring flame more than all, a *meeting-house* ; the second burning up more than eighty dwellings and seventy warehouses, with several vessels and their cargoes.

A synod was called of all the clergy in Massachusetts. It was an unusual occasion, and the prayers of the whole body were needed. The preachers proved, to the entire satisfaction of the people, that they could expect no blessing if they continued to allow the Lord's heritage to be invaded by prelacy and dissent, or relinquish the privileges of His elect. The drooping spirits of the people revived, and they expressed their determination to stand or fall by their charter, and to make no surrender.

On the arrival of the agents in England, it was found that their instructions did not contain sufficient authority to enable them to treat on behalf of the colony. They were ordered to procure more comprehensive powers, but the General Court refused to enlarge them. Their mission was thus brought to a close, and a *quo warranto* issued in the usual form, for the purpose of putting an end to the charter.

Hitherto, the local government had depended upon their allies, the Liberals. The connection had always been one of convenience rather than regard, for they mutually despised each other. The Provincials coalesced with that party, because they had a more republican tendency than the Tories, and courted the support of the enemies of the Church ; but they loathed their profligacy, their disregard of all principle, and their readiness to sacrifice patriotism for place, and consistency for the emoluments of office. On the other hand, the Liberals knew the importance of so large and influential a body as the Sectarians, and were well skilled in inflaming their passions, pandering to their prejudices, and rendering their discontent and their union subservient to their own schemes of ambition. But while they used them, they ridiculed them ; and their ignorant zeal, hypocritical pretensions, and extravagant language of cant, afforded them inexhaustible subjects for satire. It was an age when the leaders of the two extremes of sanctimonious and dissolute modes found their greatest



safety in embracing each other. Knowing that the Liberals were always venal, and having succeeded in seducing the clerks of the public offices (if there can be seduction where there is no virtue), and kept them on pay to betray their trusts, they were always constantly and accurately informed of the secrets of State, and furnished with copies of all Minutes of Council, memorials, or complaints, affecting their interests, as well as the names of those members that voted for or against them.

They now conceived the plan of concentrating their gratuities and tempting the cupidity of the king, and most unblushingly offered him a bribe of two thousand guineas.\* His thoughtless dissipation, lavish profusion, and unquenchable thirst for means to gratify his extravagant habits, were well calculated to lower himself and his monarchy to the level of republicans. The agents did not underrate his honor, but they overvalued their own dexterity. Had it been delicately managed—for he was fastidious in his appetites—it is to be feared he would have had as little virtue to resist, as they had honesty to offer the temptation; but the coarseness of the execution, if possible, surpassed the baseness of the design, and it failed of success as much on account of its grossness, as its immorality.

It was a great mortification to both. The king concealed his

\* The proofs of these charges are abundant. The following will suffice:

"From the Clerks of the Privy Council, who were retained on treacherous pay, they procured the strictest information, and even the State papers. Perfectly acquainted by this means with European affairs, the ruling men at Boston were able to draw every advantage from distractions, either to act with moderation or firmness."—*Chlm. Col.* vol. i. p. 129. [Chelmus held the important office of Head Clerk to the Committee of the Privy Council, and is therefore good authority].

"Having long corrupted his servants, they now attempted to bribe himself by an offer of two thousand guineas."—*Chlm. Col.* vol. i. p. 133. "Massachusetts was willing to bribe the Monarch into clemency toward its liberties."—*Ban. Hist.* vol. ii. p. 123. "Cranfield advised tendering two thousand guineas for the king's private service. The Court agreed to the proposal, and showed him the letter they had written to their agent thereon."—*Hutch. Hist.* vol. i. p. 337.

"Major Thompson would make better use of your funds for your advantage. His employment in the East India Company gives him frequent access to Court, where he hath opportunity to give a feeling to such classes of the Council as may serve you with true intelligence. They have been there two years raising money upon the poor inhabitants to make friends at Court. Certainly they have some there too nigh the Council Chamber, otherwise they could not have copies of my petition against the Government, my articles of high misdemeanors, and now of Cranfield's instructions."—*Letter of Randolph to Clarendon, June 14th, 1682.*



chagrin under a well-turned point. He said the Puritans were unrelenting foes, they had deprived his sainted father of his life, and now they would rob him of what he prized more highly, his honor. The agents were covered with shame, and were pointed at wherever they went as hypocrites, who had the depravity of courtiers, without their practical adroitness, or polished manner to conceal it.\* They returned as soon as possible to Boston from their fruitless mission, and arrived on the 23d of October, and the same week were followed by the indefatigable Randolph, with the *quo warranto*.

At the same time his Majesty made one effort more to bring this protracted contest to an end, and condescended again to entreat them to submit, promising at the same time to make as few alterations in their patent as possible, consistently with the support of a royal government. In this desperate situation the question was debated, both in the General Court, and among the inhabitants at large, whether it were better to make ample submission to the king, or suffer matters to take their course. The Government, however, and the people, true to the principles they had ever professed, determined it was better to die by the hands of others, than to commit a suicidal act themselves, by surrendering a charter, under which they had, for a period of fifty years, enjoyed internal and external independence. The General Court assembled and debated the subject for a fortnight. The upper branch was divided in opinion, but moderate counsels prevailed, and the majority passed a resolution not to contend with his Majesty at law, but rather throw themselves on his mercy, and to send agents to receive the royal commands. This vote was sent to the Chamber of Deputies, according to the usual form, for their concurrence.†

\* Truly, sir, if you could see how we are ridiculed by our best friends at Court, it would grieve you.—*Dudley's Letter to Bradstreet, February, 1632.*

† The vote was as follows: "The magistrates have voted that an humble address be sent to his Majesty by this ship, declaring that, upon a serious consideration of his Majesty's gracious intimations, in his former letters, and more particularly in his late declaration, that his pleasure and purpose is only to regulate our charter in such a manner as shall be for his service, and the good of this his colony, and without any other alteration than what is necessary for the support of his government here; we will not presume to contend with his Majesty in a court of law, but humbly lay ourselves at his Majesty's feet, in a submission to his pleasure so declared, and that we have resolved by the next opportunity to send our agents, empowered to receive his Majesty's commands accordingly. And, for saving a default of non-appearance upon the return of the writ of *quo*

The clergy took the alarm and effectually prevented its passage through the lower house. It was the last time they were ever able to exert the same influence.\*

The arguments on this occasion (though not in the shape of modern reports) are preserved in the valuable and interesting collection of the Massachusetts Historical Society: the substance I find elsewhere thus condensed. Ought the government of Massachusetts (thus it was argued) submit to the pleasure of the Court, as to alteration of their charter? Submission would be an offense against the Majesty of Heaven. *The religion of the people of New England, and the Court's pleasure can not consist together.* By submission Massachusetts will gain nothing. The Court designs an essential alteration, destructive to the vitals of the charter. The corporations in England that have made an entire resignation, have no advantage over those who have stood a suit in law. But if we maintain a suit, though we should be condemned, we may bring the matter to Chancery or to Parliament, and in time recover all again. We ought not to act contrary to that way in which God hath owned our worthy predecessors, who in 1638, when there was a *quo warranto* against the charter durst not submit. In 1664 they did not submit to the Commissioners. We, their successors, should walk in their steps, and so trust in the God of our fathers, that we shall see His salvation. Submission would gratify our adversaries, and grieve our friends. Our enemies know that it will sound ill in the world, for them to take away the liberties of a poor people of God in a wilderness. A resignation will bring slavery upon us sooner than it otherwise would be, and will grieve our friends in other colonies, whose eyes are now upon New England, expecting that the people there will not through fear give a pernicious example unto others. Blind obedience to the pleasure of the Court, can not be without great sin, and incurring the high displeasure of the King of Kings; submission would be contrary unto that

*warranto*, that some meet person or persons be appointed and empowered, by letter of attorney, to appear and make a defense, until our agents may make their appearance and submission as above. The magistrates have passed this with reference to the consent of their brethren and the deputies hereto.

"EDWARD RAWSON, *Secretary.*"

\* "The clergy turned the scale for the last time. The balance which they had held from the beginning, they were allowed to retain no longer."—*Hutchinson.*

which has been the unanimous advice of the ministers, given after a solemn day of prayer. The ministers of God in New England have more of the spirit of John the Baptist in them, than now, when a storm hath overtaken them, to be reeds shaken with the wind. The Priests were to be the first that set their feet in the waters, and there to stand till the danger be past; of all men they should be an example to the Lord's people of faith, courage and constancy. Unquestionably if the blessed Cotton, Hooker, Davenport, Shepherd, and Mitchell, were now living, they would, as is evident from their printed books, say, 'Do not sin in giving away the inheritance of your fathers.'

"Nor ought we to submit without the consent of the body of the people. But the freemen and Church members throughout New England will never consent hereunto. Therefore, the Government may not do it. The civil liberties of New England are part of the inheritance of their fathers, and shall we give that inheritance away? Better suffer than sin. It is better to trust the God of our fathers, than to put confidence in princes. If we suffer because we dare not comply with the wills of men, against the will of God, we suffer in a good cause, and shall be accounted martyrs in the next generation, and at the Great Day." The vote was finally sent back with the following decision. "The Deputies consent not."

The proprietors resident in England, with one exception only, ashamed of conduct they could not justify, disclaimed the usurpation. Craddock, their former governor, after some little show of deference, suffered a default to be entered, and the rest of the patentees stood outlawed. The General Court, consistent to the last, made one more attempt at delay and supplication. In an address, most humble in language, but firm in purpose, they excused themselves from sending home the charter, on pretense that judgement had been passed against it, upon a *quo warranto*, and declared if they had been duly notified, no doubt they could have put in a sufficient plea to it; that if they should transmit it, they would be looked upon as runagates and outlaws; that the common people would think that his Majesty had cast them off; and that they would for their safety confederate themselves *under a new government, which would be of dangerous example to other plantations.*

"We do not question your proceedings," they said, in conclu-

sion, "we only desire to open our griefs where the remedy is to be expected, and we are told to renew our humble supplication to your Lordships, that we may be suffered to live here in this wilderness, and that this poor plantation, which hath found more favor with God than many others, may not find less favor with the King." A semi-official reply was returned by the Lords Commissioners through the medium of Mr. Craddock. They again called upon the corporation to send home the charter; and, as an earnest of their benevolent designs, authorized its present Government to continue until a new patent should pass the seals.

In addition to this memorial, they availed themselves of the want of a formal service of the order, and accordingly voted to take no notice of it; "for," said the members in their debates, "*it is unofficial*, and the Lords Commissioners can not proceed upon it, since they can obtain no proof that it was delivered to the Governor;" and, the better to insure this result, they directed Mr. Craddock's agent, when he again wrote to his principal, not to mention the receipt of his last letter. But this technical objection availed not, and a judgment was entered on the *quo warranto*, in Trinity Term, 1684, a copy of which reached Boston on the 3d day of July, 1685, and put an end to the ancient Government of Massachusetts.

Thus fell the first American Republic, after an existence of more than fifty years; "but with it," says a distinguished author,\* "fell not the habits nor the principles which the settlement of the country had engendered. These were for a time slightly hidden in its fall, but soon sprang up again, more deeply-rooted and renovated with permanent strength; nor have they ceased to flourish, till, in their turn, they have overrun, and probably forever, buried every germ of royal authority in that republican soil."

It is not my object to animadvert on the conduct of the first settlers of Massachusetts, but to record so much of their history as is necessary to establish the proposition I set out with, namely, that American democracy does not owe its origin to the revolution, and to the great statesmen that framed the Federal Constitution; but that it existed in the country from the earliest period, and

\* Minot.



that a republic *de facto* was founded at Boston, in 1630, which subsisted in full force and vigor for more than half a century. After the narration contained in these pages of its rise, progress, and termination, I think no one can entertain a doubt that the independence of the States conferred little or nothing on Massachusetts that she did not enjoy under her first charter, unless it be an exemption from the restrictions on her trade, imposed by the navigation laws. Her internal sovereignty indeed was more complete than it is now, for all the delegated powers given to Congress, the National Judicatory, and other federal institutions, is so much withdrawn from what she then possessed and retained in her own hands.

It is not my province to subject the pretensions of this people to the ordeal of criticism. If it were, however, it would be found that though the means used for their defense were not always such as could be approved, there is much to admire in their history. Having removed the charter to America, and boldly usurped the power of independent self-government, that act must be carefully distinguished from the rest of their conduct, and separately considered with reference to its legality or morality. Their subsequent defense, of what they conceived to have been their chartered privileges, was always skillful and persevering, and often manly. It would be unfair to view them through the medium of loyalist prepossessions. They were not rebels, for they did not profess to be subjects. And be it remembered the distinction they took between local and general allegiance has the authority of high names to sanction it. They were not at that time so much endeavoring to sever the connection with England, as to protect themselves from aggression. If they were intolerant, it was the vice of the age. If their negotiations with the parent country, through the instrumentality of their agents, were sometimes deficient in frankness and sincerity, they are qualities which have never been ascribed to diplomacy, and there is no reason to charge them exclusively with faults, from which, unhappily, no people were ever exempt. Nothing could be more natural, nothing more plausible, and, I might almost say, nothing more reasonable, than their claim to the territory they inhabited. Unlike other colonists of modern times, they had not received any thing from England that demanded their gratitude. They made the province themselves. It is cultivation and population



alone that stamp a value on land. The cold, barren, and inhospitable country comprised within their grant, was scarcely worthy of acceptance, certainly not of purchase, at the date of their patent. The fostering hand of the parent state was never extended to them. They cleared the interminable forests, they resisted the assaults of the savages, and the encroachments of the French. They built up their villages, extended their settlements, erected their fortifications, founded their schools, supported their clergy, and established and maintained the government, not only without the aid of England, but under many discouragements, and in the face of opposition.

The annals of colonization may be searched in vain for an effort so distinguished for courage, industry, perseverance, frugality, and intelligence. Their descendants have reason to be proud of the imperishable monument their ancestors thus erected, in the great American wilderness, of their own fame. Is it then to be wondered at, if they loved so dearly, and defended so strongly, a possession so *peculiarly* their own? and must we not in fairness admit, if they called sophistry in aid of their claim to independence, that England, to maintain her title by discovery, had not in reality much better or sounder grounds to proceed upon. The right of Europeans to America will not bear a very close investigation, but the pioneers who settled it, under the circumstances I have mentioned, might well be excused, if they thought their pretensions quite equal to those who had first sailed along the coast, and called it their own.

Their faults were engendered by the age in which they lived, their seclusion from the world, the severity of their morals, and the confused and imperfect knowledge they had of the relative obligation of the Old and New Testament; and as it would be manifestly unjust to omit those circumstances that palliated or accounted for their conduct, so, on the other hand, the narrative would be equally incomplete if no mention were made of their glaring inconsistencies. By quitting the reformed and pristine Church of England to which they belonged, they gave up fixed principles for the unsettled license of that unmeaning term, Protestantism, and decent and necessary ceremonies, for an exemption from all orders and established observances. They measured what they were by what they were not; and, as they protested against the errors of Popery, very complacently assumed

that the whole Roman Church was a vast and complicated error, and that whatever she did not believe, practice, or enforce—and that only—was primitive. In their pious horror of its unauthorized assumptions, they adopted a system that consisted of nothing else but human inventions. They resisted a prelate with disdain, for the Pope was a bishop. They suppressed confirmation, transferred ordination to the brethren, and marriage to the civil magistrate; and, as prelatic clergy bowed in reverence, and kneeled in supplication, they abolished both as superstitious, and voted to stand up boldly before their Maker, and plead guilty or not guilty like men. They did not think it scriptural to call the Apostles saints, who were unlettered men like Congregationalists (with no other possible advantage but the accidental one of being inspired), but they thought it by no means superstitious to appropriate the designation to themselves, or to regard old women as witches, and consistent with religion to execute them. They denied the authority of the General Council, composed of learned divines, but they established synods, consisting of men who compensated for their want of erudition by their superior gifts of extemporaneous preaching. They maintained the right of private judgment in religion, but they hanged Quakers; for it was manifest that they who differed from them had no judgment whatever. Determined to limit the authority of the clergy, they elected and ordained them themselves, and gave them to understand that the same power that made could discharge them. They then, with singular inconsistency, invested them with privileges that made them infinitely more despotic than those of any Church in the world. They emigrated, they said, to avoid persecution. More than fifty years elapsed before the Church of England could compel them to be tolerant. The fact that religious liberty was forced upon them by her efforts, is a triumphant answer to the calumnies that have been so liberally heaped upon her by sectarians and Romanists, at home and abroad.

This is the natural effect of schism. But the blame belongs not to the Puritans of Massachusetts more than to others. Dissent has no resting-place. There are regions yet unexplored, where the adventurers who are in advance of their nation, and dwell on the borders of civilization, may push their discovery, and, like the Mormons, enjoy the revelation of prophets of their own.

Although we must now take leave of these republican colonists,

we shall still continue their history during the interval that elapsed before the arrival of the new charter, when it will be a more agreeable duty to examine the institutions they planted in the country, the beneficial effects of which are still felt and acknowledged throughout the United States. I shall next give a brief view of the condition of the other provinces at this period, which forms a great epoch in the history of the country, and afterward trace the progress of democracy in this continent during the existence of the royal government, until it attained that strength and maturity that enabled it boldly to assert, and manfully achieve, its absolute independence.

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## BOOK II.

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### CHAPTER I.

Indignation and Grief of the Colonists at the Loss of their Charter—Death of Charles II.—Accession of James II.—Apprehensions of having Colonel Kirke as Governor—Some Account of him—Mr. Dudley appointed President, who, with the Assistance of six Councilors, undertakes the Government—Protest of the Magistrates against the Suppression of the Legislature—Unpopularity of the President—Description of the Territory within his Jurisdiction—Some Account of Maine and New Hampshire, and the Intrigues of Massachusetts to extend its Authority over them—Desire of Charles II. to confer the former on the Duke of Monmouth, and to establish a Royal Government in the Latter—Both comprehended within the Commission of President Dudley—Character of his Administration.

WE have seen in the foregoing chapters how constantly this people asserted and maintained their independence from the day they first landed in the colony until the charter was revoked. The loss of their liberty filled them with grief, and indignation. They had always dreaded interference, and had hitherto resisted or evaded every attempt of the king, the Parliament, or the hierarchy to control them. This continued watchfulness, and anxious jealousy, had infused into their minds suspicion of the designs, and distrust of the good faith of England; but the loss of their patent inspired feelings of hatred for what they called the wantonness of invasion, and of revenge for the humiliation of defeat. Unable to defend themselves, they were compelled to yield to superior power; but if they could not openly contend, they could at least harass. If they could not recover the country they had cleared and planted, they felt they could make it an uncomfortable abode for their victors. In the age in which they lived, they knew they must have some form of constitutional government, and some fundamental rights conceded to them, and that the exercise of those privileges in a spirit of bitterness and uncompromising obstinacy must necessarily embarrass any administration, and render the possession of the colony as useless to

the English, as their presence and interference was distasteful to them.

Thus the republicanism of America may be traced to its first settlement, but the intense hatred of the Imperial Government, that gave stability and strength to the anti-monarchical principles, and finally led to the overthrow of British rule, must be dated in 1684 (the period when they lost their charter). It is not easy, at this distance of time, for persons practically unacquainted with the untiring zeal, the malignant revenge, intrepid courage, and martyr spirit of fanaticism, to comprehend the full force of the rage and disaffection with which the Provincials were maddened at the overthrow of their little sovereignty. The revocation by Charles II. of the patent of Massachusetts was the first step taken in a great scheme of reform he had conceived for the transatlantic plantations. The inconsiderate manner in which he had disposed of a large portion of his American territory, the little control he had reserved to himself in the charters he had given to several colonies, and the difficulty he found in enforcing obedience to the laws of trade, as well as the increasing growth of democracy among the people, admonished him that they all required remodeling. By commencing with the most refractory, he gave warning to the others, that he had at last become sensible of the error of his past inconsistencies, and was resolved on vigorous conduct for the future. He died before he could put any of his plans into execution, and the task devolved upon his brother, James II.

The first measure of the new monarch was to make a temporary provision for the government of Massachusetts, in order to give him time to mature and arrange the details of a comprehensive system of colonial policy. His very name inspired terror and dislike into the minds of the nonconformists. Their fears derived additional intensity from a rumor that reached them, that the noted and detestable Colonel Kirke was to be imposed upon them as governor. To receive a stranger at all in that capacity from the hands of others, when they had been in the habit of filling the office by election themselves, was an intolerable grievance, but to submit to a man who was only known for his atrocious butcheries, required a Christian meekness for which they could find neither example nor authority in Puritanism.



Kirke was a soldier of fortune, who had long served at Tangiers, and had contracted, from his intercourse with the Moors, a taste for executions that astonished and alarmed the inhabitants of England. After the defeat of Monmouth, he gratified his appetite for blood at the expense of the unfortunate and misguided prisoners. At his first entry into Bridgewater, he hanged nineteen prisoners without the least inquiry into the merits of their case. As if to make sport with death, he ordered a certain number to be executed, while he and his company should drink to the health of the king, or the queen, or that of the Chief Justice Jeffreys. Observing their feet to quiver in the agonies of death, he said he would give them music to their dancing, and immediately ordered the drums to beat, and the trumpets to sound. By way of experiment, he ordered one man to be hung up three times, questioning him at each interval, whether he repented of his crime; but the prisoner obstinately asserting, that notwithstanding the past, he still would willingly engage in the same cause, Kirke ordered him to be hung in chains. All the inhabitants of the adjoining county, innocent as well as guilty, were exposed to the ravages of this barbarian. The soldiery were let loose to live at free quarters; and his own regiment, instructed by his example, distinguished themselves in a particular manner by their outrages. By way of pleasantry, he used to call them his *lambs*, an appellation which was long remembered with horror in the west of England.\*

It was some consolation to them to find that instead of this monster, Mr. Dudley, a native of the colony, who, though now unpopular, had once enjoyed the confidence of the people, and served as their agent in England, had been appointed president, and several members of the Upper House as councilors. This act relieved their apprehensions, and quieted their fears, but it did not, as it was supposed, win their affection. They were pacified from time to time, but *never conciliated*. They sighed for their past independence, and moaned over their lost republic. They submitted to the English as their masters, but ever evinced a sullen discontent, a refractory stubbornness, and an intractable disposition. Mr. Dudley was strongly urged not to accept the office, for he who receives a delegated commission, and acts upon it, tacitly but assuredly admits the right of the granter. Even

\* These particulars are extracted from Hume.

his councilors joined in these expostulations, and the court made the following protest :

“GENTLEMEN—We have perused what you left with us, as a true copy of his Majesty’s commission, showed to us the 17th instant, empowering you for the governing of his Majesty’s subjects inhabiting this colony, and other places therein mentioned. You then applied to us, not as a Governor and a company, but (as you were pleased to term us), some of the principal gentlemen and chief inhabitants of the several towns of Massachusetts ; among other discourse, saying it concerned us to consider what therein might be thought hard and uneasy. Upon perusal whereof we find as we conceive : 1st. That there is no determinate rule for your administration of justice ; and that which is seems to be too arbitrary. 2d. That the subjects are abridged of their liberty as Englishmen, both in the matters of legislation, and in laying of taxes ; and indeed the whole unquestioned privilege of the subject transferred upon yourselves, there not being the least mention of an assembly in the commission, and therefore we think it highly concerns you to consider whether such a commission be safe for you or us ; but if you are so satisfied therein as that you hold yourselves obliged thereby, and to take upon you the government of this people, although we can not give our assent thereto, yet we hope we shall demean ourselves, as true and loyal subjects to his Majesty, and humbly make our addresses unto God, and in due time to our gracious Prince for our relief.

“May 20, 1686.”

It was known that the commission was a temporary expedient to give legal sanction to the proceedings of the Government, until a form of constitution could be agreed upon ; but the acceptance of it by Mr. Dudley was considered an act of treachery, if not of treason to his country, and was punished accordingly by the total and irretrievable loss of his popularity\* and influence, and by the sleepless watchfulness of his offended countrymen, who lost no opportunity during the remainder of his life, either of damaging his reputation, or thwarting his advancement.†

\* An abstract of the commission may be found in vol. v. Hist. Coll. of Mass., and in Belknap’s History of New Hampshire.

† At a subsequent period, when imprisoned, during the rebellion that preceded

The commission of the President included the Narragansett or King's Province, New Hampshire and Maine, the two last of which had been the subject of much litigation and difficulty for many years. We have already seen how desirous Massachusetts ever was of enlarging her boundaries and of assuming jurisdiction over vacant possessions or feeble neighbors. The territory comprised within what now forms the States of New Hampshire and Maine, offered too great a temptation to her cupidity to be resisted; and I have reserved to this place an account of her aggression at different times to avoid repeated references, and to preserve the continuity of the narrative. The first was granted as early as 1635 to Captain Mason, and the latter to Sir Ferdinando Georges, who severally formed small settlements in them, that derived subsistence from the soil, and some little profit from the fisheries and free-trade. Ten years afterward, some persons who had adopted heretical opinions, and rendered themselves obnoxious to the Government of Massachusetts, removed, either under the pretense, or in open contempt of grants of the proprietors, to the banks of the river that divided the two provinces, and associated themselves, as it was then called, by entering into a mutual compact for self-government.

Although differing in many points of doctrine from their friends at Boston, they were united by the common ties of descent and interest. Their more powerful neighbor and parent state, by claims of jurisdiction which they were unable to resist, or promises of protection from the Indians, of which they stood greatly in need, prevailed upon them to place themselves under her control, and by degrees they became both merged in the ambitious and growing little republic. Charles II. strove in vain to re-invest the heirs of the grantees with the possession. The rule of the "old colony" was more congenial to the feelings of the people than that of a monarch three thousand miles off, who had as little

ed the proclamation of William and Mary, there was a strong party for trying and executing him. Fear of consequences alone prevented the people from resorting to these desperate measures. Danforth thus writes to Mather: "Mr. Dudley is in a peculiar manner the object of the people's displeasure, even throughout all the colonies where he sat as judge; they deeply resent his correspondence with that wicked man, Randolph, for overturning the Government. The Governor and Council, though they have done their utmost to procure his enlargement, yet can't prevail; but the people will have him in jail, and when he hath been by order turned out, by force and tumult they fetch him in again," &c.—*Hutchinson*, vol. I.

interest in their affairs as power to enforce his authority. The Commissioners to whom I have referred re-established in 1665 the government of Mason and Georges, but they had no sooner departed for Europe than the General Court invaded the territory, and by force of arms resumed their former jurisdiction. Irritated at this open defiance, Charles II. threatened to restrain their commerce, and they finally yielded to menace, which they knew he could execute, what they denied to demands unsupported by a military force on the spot. After a vexatious and expensive litigation, the claim of the plaintiffs was sanctioned by the decision of an English court, and their opponents were compelled to confine themselves within their original limits.

This investigation brought to light a fact not then generally known, that the proprietors of New Hampshire were entitled to the soil alone under the patent to their ancestor, while the heirs of Sir Ferdinando Georges had a right both to the country and the government. In consequence of this discovery the king was desirous of purchasing Maine for his son, the Duke of Monmouth; but while he was in treaty for it, Massachusetts, informed of his intention by the clerks in the public offices, whom they kept in their pay, and having the requisite means at their command, bought it from the owners, whose title had been established by a legal decision. The remonstrances of the sovereign was as unavailing as all his other expostulations and threats. They entered into immediate possession, and governed it by officers of their own as a "Colony from the Mother Province."

Disappointed in obtaining Maine, the king attempted in 1679 to found a "Royal Province in New Hampshire," and appointed a governor, whom he invested with the requisite powers, but he found it easier to grant a commission than to enforce obedience to it. This was the first constitution of the kind in New England. It contained more essential freedom, though less independence, than the republic of Massachusetts. It consisted of a President and Council, and a House of Assembly, and secured a reservation of the king's negative. The Upper House was made a court of record for the trial of all causes whether civil or military, subject to an appeal of all matters above fifty pounds, and was empowered to appoint officers, and take efficient measures for the defense of the country. Liberty of conscience was allowed to all Protestants, but the Church of England was especially to be encour-



aged. Upon this Belknap, in his "History of New Hampshire" (a work written in an able and impartial manner, and in a very agreeable style) remarks, "Had such a simple form of government been more generally adopted, and perseveringly adhered to, and administered only by the most delicate hands, it might have served better than any other to perpetuate the dependence of the colonies on the British Crown."

The first act of the legislature plainly disclosed the overpowering influence of Massachusetts, derived from a congeniality of religious and political opinions. They commenced their labors by an assertion of right "that no act, imposition, law, or ordinance, shall be valid unless made by the Assembly, and approved by the people." The experiment, as might have been expected, proved abortive. The fanatical preachers, goaded on by their brethren in New England, urged the people first to passive resistance, and then to armed rebellion; and although the President was able to support the first outbreak, he found it necessary to fly for his life from the second. When surrendering his commission, he observed that "while the clergy are allowed to preach to a mutinous people, no true allegiance would be found there. On my retirement, the world will see that it is the royal commission they cavil at, and not my person; and time will show that no one will be accepted by them who put the king's commands into execution."

The succeeding governor endured the same insults, and encountered the same defiance, and added his testimony to that of his predecessor, "Unless these factious preachers are turned out of the colony, there will be disquiets here, as no Pope ever acted with greater arrogance; and without some force to keep this people under, it will be very difficult, if not an impossible thing to put into execution his Majesty's orders, or the laws of trade."

Warned by these failures, both these districts were now comprehended in the temporary commission of President Dudley, and long after remained united with Massachusetts. Such, however, are the uncertainties which attend human schemes, that now that the charter was forfeited, the leaders in these intrigues were mortified to find that they had, by their own usurpations and acts, enlarged the limits of a royal colony. The inhabitants of both dependencies were no less humiliated by the reflection, that by lending



themselves to a fraud on individual rights, and regal authority, they had lost the benefit of a local government, while they were too poor and too few in number to have either weight or influence in the one they had struggled to establish. Instead of vanquishing the king, they had injured their own cause ; and while they were congratulating themselves on the success of their efforts, they made the unwelcome discovery that victory is sometimes more ruinous than defeat.

The administration of Dudley was of short duration. It was not probable, it was ever in the contemplation of James to continue him for any length of time in his office. He was a colonist, and would have been both unfit and unwilling to have become the instrument of his arbitrary measures. It was manifest that he considered it but a temporary arrangement himself. As far as possible, he suffered the old order of things to continue. Although in obedience to his commission the House of Representatives was laid aside, the magistrates and select-men discharged their several duties as heretofore ; and as little was done by him as was compatible with the exigencies of the country. He was long enough in office, however, thoroughly to dissatisfy both the king and the people. He had not exerted himself in a manner that was agreeable to his royal master in giving effect to the laws of trade, nor had he enforced prompt obedience to his orders, which was expected of him. On the other hand, he had done too much to render himself popular with the people. He was not elected by them, and they regarded him as an usurper. He was a native, and his acceptance of office under a tyrant was viewed as the act of a traitor. He had subverted their constitution which, by the law of the land, was a capital offense ; and if they had had the power, the inclination was not wanting to have made him undergo the extreme penalty. Such is ever the fate of undecided measures, and of attempts to conciliate the regard of two irreconcilable parties.

Each thinks that too much has been sacrificed to the other, and both complain that too little deference has been paid to their respective claims or wishes, while the unsuccessful politician has seldom the approbation of his own conscience to sustain him in his miscarriage.

"I warned thee," said one of the preachers to Dudley, with that mixture of cant and insolence that always rendered them so

intolerable.\* "I warned thee to be watchful, and strengthen the things that remain that are ready to die, but thou wouldst not; and now because thou art lukewarm, and neither hot nor cold, I will spew thee out of my mouth."

During his short administration, he discovered that temporary popularity may be acquired by an affability of manner, or the arts of intrigue; but that character has no sure and solid foundation, but in honesty of purpose and vigor of conduct. It was a valuable lesson; and in after days, he had a conspicuous opportunity, as we shall see, to practice successfully what he had so dearly acquired.

\* The character of the people is not to be sought for in the history of the colony only, for their public affairs were managed by men of education and experience, but recourse must be had to their correspondence among themselves, and to documents that have merely a local bearing. The primitive manners of the inhabitants of the rural districts may be judged of by the following letter of Captain Chudworth to the Governor of New Plymouth, declining a military command:

"MUCH HONORED—My service and due respect being presented, yours of the 19th December, 1673, came to my hands the last day of that month, wherein your honor acquainted me that the General Court, by a clear vote, have pitched upon myself to command an hundred men, in joining with the rest, in prosecuting the expedition against the Dutch. The estate and condition of my family is such as will not admit of such a thing, being such as can be hardly paralleled, which was well known unto some; but it was not well nor friendly done as to me, nor faithful as to the country, if they did not lay my condition before the Court. My wife, as is well known to the whole town, is not only a weak woman, and has been so all along; but now, by reason of age, being sixty-seven years and upward, and nature decaying, so her illness grows more strongly upon her; never a day passes but she is forced to rise at break of day or before. She can not lay for want of breath: and when she is up, she can not light a pipe of tobacco, but it must be lighted for her; and until she has taken two or three pipes, for want of breath, she is not able to stir, and she has never a maid. That day your letter came to my hands, my maid's year being out, she went away, and I can not get nor hear of another. And then in regard for my occasion abroad, for the tending and looking after all my creatures, the fetching home my hay that is yet at the place where it grew, getting of wood, going to mill, and for the performing all other family occasions, I have none but a small Indian boy about thirteen years of age to help me.

"Your humble servant,

"JAMES CHUDWORTH.

"To the much honored Joseph Winslow,

"Governor of New Plymouth,

"Scituate, the 16th of January, 1673."

## CHAPTER II.

Arrival of Sir Edmund Andross—Fears entertained of the King—His Conduct toward New York—His Opinions of popular Assemblies—Commission to Andross—Two Companies of Soldiers sent to Boston—Law relative to Marriages—Manner of imposing Taxes—Punishment of those who refuse to pay Rates—Episcopal Clergymen prevented by the Mob from reading the Burial Service—Preachers attack the Governor for his Toleration, and justify compulsory Conformity—Arbitrary Conduct of Andross relative to Titles of Land—Rhode Island, Connecticut, New York, and New Jersey united to Massachusetts—News of the Arrival of the Prince of Orange in England—False Rumors spread of a general Massacre—Insurrection—Capture and Imprisonment of the Governor and his Councilors—Conduct of the Magistrates who re-assume the old Government—Sir Edmund escapes, is retaken and sent to England, when he is released—Example of Massachusetts followed by the other Colonies—Bad Effects of so many political Changes in England—Remarks on the Appointment of Andross to be Governor of Virginia.

At length, Sir Edmund Andross arrived at Boston on the 20th of December, 1686, with a commission for the Government of New England. This was the first direct administration by a stranger of the internal affairs of the colony, and the first specimen the people had of the reckless manner in which royal patronage was bestowed, and the arrogance, insolence, and oppressions of irresponsible officials. His conduct increased and justified the universal discontent. It did not alienate the affections of the inhabitants, for they were already irretrievably estranged, but it strengthened their conviction that England's domination was incompatible with their happiness, as it was with their freedom.

He had been Governor of New York, and had also directed the affairs of Rhode Island; and therefore was supposed to be well acquainted with the character of the people over whom he was placed. He was a military man of some reputation, and having been accustomed to obey, as well as to command, was well suited to carry out the orders of James, who was prompt even to precipitation in action.

The new monarch had been more conversant with colonization and commercial affairs than his predecessor;\* and commenced

\* Hume says that his application to naval affairs was successful, his encouragement of trade judicious, and his jealousy of national honor laudable. Hénault, in his *History of France* (vol. II. p. 200) says, the public are indebted to

with vigor and ardor the difficult task of reducing the plantations to order, and to a more immediate dependence on the crown. As to the means, as had been predicted by those who best knew his temper and principles, he was not at all scrupulous. As Duke of York, and proprietor of the immense colony that bore his name, he had three years before conceded to it a free and liberal constitution, and guaranteed to the people universal toleration, trial by jury, and exemption from all imposts, but such as their representatives should approve, and relinquished the right to quarter troops on the inhabitants, or to declare martial law. He no sooner ascended the throne than he annulled his own acts; taxes were levied by ordinance, titles to land were questioned, to augment fees and emoluments; and of those persons who remonstrated, not a few were arraigned, and tried before his council.

From a monarch who had so early distinguished himself for inconsistencies, there was little to be hoped. Although warned by his legal advisers, that the colonists, notwithstanding their charters were vacated, were British subjects, and as such entitled to all their rights and privileges, like all the Stuarts, he thought his prerogative was sufficient for his purpose, without the aid of Parliament to make laws or impose duties. His instructions to Andross were as contradictory as his own character—at once mild and severe, considerate and tyrannical. “I can not but suspect,” he says in a communication to him relative to a representative body, “that assemblies would be of dangerous consequence, nothing being more known than their aptness to assume to themselves many privileges which prove destructive to, or very often disturbed the peace of government when they are allowed. Neither do I see any use of them. Things that need redress may be sure of finding it at the quarter sessions, or by the legal and ordinary ways, or lastly by appeals to myself. However, I shall be ready to consider of any proposal you shall send.”

We have seen that Mr. Dudley’s commission extended over New Hampshire and Maine. That of Andross included them likewise. The king invested him and his council with supreme jurisdiction, and empowered them to make laws, and execute them; to impose taxes, and enforce their collection: and to sup-

this prince, when Duke of York, for the contrivance of signals, by means of flags and streamers.

port the vigor of the administration, two companies of soldiers were sent to Boston, and placed at his disposal. As soon as he had surveyed the field before him, he set himself industriously to work to subvert every democratic institution in the country, and to devise means to raise a revenue by pursuing the same course that had been adopted in New York, and by inventing subtle excuses for forfeiting real estate. It was not long before the case of some, who apprehended themselves to be oppressed, came under consideration, when they were told that they had no more privileges left them than not to be sold as slaves; and that the benefit of the law of England did not follow them to the end of the earth, which they soon found to be true, although their distance did not exempt them from its penalties.\* The alarm caused by this speech was deeply felt and resented by the whole country. It was never forgotten. It was handed down from father to son in Massachusetts, and the vows of vengeance then recorded, though long deferred, were remembered and fulfilled at last in the defeat and slaughter of the royalists at the revolution.

One of his first acts was to alter the law relative to the solemnization of marriages. Among the numerous innovations of the Puritans on the usages of their ancestors, was one to render marriage a mere civil contract, and to require only the admission and consent of the parties to be made before and registered by a magistrate. As there was but one Episcopal clergyman in the colony at the time, a transfer of this duty to the Church could not well be effected, but it was ordered for the present that none should marry unless they entered into bonds, with surety to the governor, subject to forfeiture if it should afterward appear that there existed any lawful impediment. For this license a liberal fee was exacted, as a matter of course. The governor, being also ordinary, assumed as such the whole business of the local courts, and compelled the people of the rural districts to attend at Boston, at great inconvenience, for the probate of wills, or letters of administration; and exacted whatever charges he thought the estate able to bear. He imposed what rates he thought proper, with no other sanction than that of a few complaisant councilors, although his enemies admit that the sum thus raised was small in amount, and required and spent for the public service. The principal one was a charge of one penny in the pound, and a poll-

\* Minot.



tax of twenty-pence. Direct assessment is always odious. It brings the collector and rate-payer in immediate contact, and the unpopularity of the measure is often increased by the severity or assumption of the officer.

In a new country, though the necessaries of life are abundant, there is always a scarcity of money, and compulsory contributions to the state are paid with the utmost reluctance. Where the authority to levy the tax is questioned, resistance is the natural result. Upon one occasion, when the inhabitants of Ipswich refused to assess upon themselves the proportion assigned to the township, and the select men voted, "That, inasmuch as it is against the privilege of British subjects to have money raised without their own consent, in a Legislature or Parliament, therefore they will petition the king for liberty of an Assembly before making any rates," he imprisoned two of the most conspicuous of the remonstrants, and fined the others severally thirty, forty, and fifty pounds, according to their circumstances or ability. When they complained of this harsh treatment, he took some pains to trace and collect the numerous precedents set him by his predecessors, for this apparently extraordinary act of tyranny, and with more sarcasm than policy, asked them if they would like to have other similar usages of their forefathers restored. The General Court, he observed, always prosecuted a man for appealing to England, because it was subversive of their chartered rights, and if his petition contained complaints also, he was subjected to an additional penalty for slanderous the brethren; but that he had punished them for disobedience in refusing to pay their taxes, and for nothing else, for as long as they continued to obey the law, they were at perfect liberty to memorialize the king as much and as often as they pleased. The truth of this remark was so apparent, and so conclusive, that it was felt more than the punishment.

To his astonishment, he discovered that with all their boasted love of liberty, the Puritans had reserved this inestimable blessing exclusively for themselves, and he soon found it necessary to continue and preserve another of their institutions, the censorship of the press. But his departure from the fundamental principle of the republic, which required "Church membership," as a qualification for civil rights, shocked their prejudice more than can be conceived by a person not conversant with the history of these early times. Although they had themselves affected to concede

toleration, they had never practically acted upon their professions, nor had it ever been their intention to do so. So far from considering the liberty of conscience, which the governor had granted to all, as an act of grace, they loudly complained of it as an open attack, and a direct persecution of themselves. They regarded it as the triumph of Anti-christ, and considered that the blessing of God would be withdrawn from a country which admitted the presence of clergymen ordained by a bishop, instead of the more inspired because more ignorant, and more pious because more assuming, lay brethren. It was in vain that they had aided the sectaries in England to sacrifice Laud, and to dethrone and slaughter their sovereign, if prelacy was to be permitted to have the slightest footing in America; reason and Scripture alike led to the conclusion, that they who require to be taught are the best able to judge of the qualifications and attainments of the teacher, and therefore most competent to invest him with the character and office. So rigidly had the exclusion of Episcopalians been enforced, that when the Royal Commissioners were at Boston, there were not enough of them in the place to form a congregation. We are informed on authority that can not be doubted, "that most of the inhabitants who were on the stage in 1686 had never seen a Church of England Assembly. In that year there was but one Churchman\* in the government, and one captain, and three subalterns in the whole militia of the province.

Such being the case, the astonishment of the people was only equaled by their indignation at a wanton outrage on private property. Soon after his arrival he caused Divine Service to be celebrated by his chaplain, in the South Meeting-house. In vain was the building claimed by its owners. In vain the sexton refused to ring the bell. No tenderness was exhibited, similar to that of the commissioners twenty years before. The clergyman came forth attired in the surplice; the very name of which was an abomination to them. The foundation of an Episcopal church was soon after laid, and those who had been heretofore taxed for the support of Puritan preaching, and compelled to contribute to their conventicles, now took a malicious pleasure in soliciting their old oppressors for subscriptions, to build up what they called a house for the true worship of God.

\* There had been two, but at the date of Randolph's letter to the Archbishop of Canterbury (1685), the other had gone to England.

This toleration, thus rendered doubly distasteful, was not very easily enforced. Although the people had not the power, through their representatives, to repeal the law or prevent its execution, they had the means of insult, and the opposition and the tyranny of a majority to back them. Upon one of the first occasions, under this edict, that a clergyman in Boston, proceeded in his vestments to the grave-yard, to read the burial-service, a crowd of persons led on by an infuriated deacon, drove him from the grave, and loaded him with insult and abuse, calling him "Baal's priest," and his prayers, "leeks, garlic, and Popish trash." Prompt and decisive measures on the part of the governor prevented a repetition of such disgraceful scenes.

This liberty was not merely deplored by them as a spiritual loss, but was sensibly felt in a pecuniary point of view. Although they withheld all civil rights from those who were not Congregationalists, they did not exempt them from taxation for the support of their own preachers. "Discouragements upon the hearts of the ministers increase," (writes a correspondent of Mather's), "by reason that a licentious people take advantage of a freedom to withhold maintenance from them." His deputies in distant parts of his jurisdiction, and their subordinate officers still enforced these rates where they could do so with safety, and the practice was not finally discontinued, until he threatened them if they persisted in assessing Quakers and others for that purpose, he would, in like manner, make them contribute to the support of the Episcopal Church. To his lieutenant-governor at Plymouth he expostulated on this subject, in a letter still extant, which reflects great credit on his judgment and firmness, and showed that, in some instances at least, he was capable of impartiality.\*

That James was disposed to carry things with a high hand, where obedience was either reluctant or withheld, that his commission for the government of the colony was illegal, and that his representative was willing to proceed to any length he was desired

\* "Some years before Andross's Act of Toleration, one Briscoe, a tanner of Watertown, published a book against the support of ministers by tithes or taxes, and reproached those who received their salary from such a source. The ministers thought a man who denied the authority of the civil magistrate to provide for the support of pastors, *fuste potius erudiendum quam argumento*, and therefore they left it to the magistrates to defend the cause. who convened the tanner before them, and brought him to an acknowledgment, if not to a sense of his error."—Hubbard.

to go, was so palpable to all, that it is no wonder if the copious vocabulary of abuse, which Puritanism had at its command, was exhausted before they expressed all their hatred of Andross and his council. His general conduct was haughty and capricious. Many of his acts were arbitrary, and some oppressive; but there was one, to which I shall presently allude, well calculated to excite both their indignation and alarm. And yet it is doubtful whether the loss of legislative power, illegal exactions, or personal injuries touched them so sensibly as toleration. It was mourned over in private, and preached against in public. One minister in particular, has obtained an imperishable name for his manly patriotism in selecting for his text the following words: "Ye have not yet resisted *unto blood*, striving against sin." The clergy every where justified that compulsory conformity, which in England they resisted to the death. "Be pleased" (says one of their most eminent divines), "to consider this point a little further. You think to compel a man, in matters of worship, is to make him sin, according to Rom. xiv. 23. If the worship be lawful in itself, the magistrate compelling him to come to it, compelleth him not to sin, but the sin is in his will that need to be compelled to a Christian duty. Josiah compelled all Israel to serve the Lord their God (2 Chron. xxxiii. 34). Yet his act herein was not blamed, but recorded among his virtuous actions. The Lord keep us," he says, "from this harlot's cup of toleration, lest while we seem to reject with open face of profession, we bring her in by a back door, and so come to drink of the cup of the Lord's wrath and be filled with her plagues."

How inconsistent is man, and how easily does he enlist his reason on the side of his wishes or his passions! What rendered the conduct of the governor still more irritating was, that he not only placed the clergymen of the Church of England practically on a footing with the Puritan ministers, but that in his private intercourse he treated them with much greater respect. Hutchinson informs us with infinite *naïveté*, that "Sir Edmund actually asserted that he considered the preachers as mere laymen;" and records this with as great gravity as if he had never heard of such an idea before, and believed Andross to be the only man in the world that entertained it. It was a remark that was treasured up in the heart and embalmed in its bitterness.

Swearing on the Book, as it is called, was introduced into the



courts of justice, to the horror and disgust of the inhabitants. But the most flagrant and indefensible act of Andross's short administration was among his last. By the ingenuity of a lawyer, he found a prolific source of emolument, in a forced application of a feudal principle to the titles of land. The people were informed that the charter having been granted on conditions which had not been performed, all acts under it were rendered invalid, and the soil reverted to the Crown; and that if a more indulgent construction were adopted, still their grants were not under seal, a defect which no length of time, and no amount of improvement, could rectify. They were, however, very considerably informed, that upon due acknowledgment of the insufficiency of their conveyances, and a humble petition, new patents should be executed for granting them possession on such moderate terms, as his Excellency should approve. With respect to their deeds from the Indian chiefs, it was observed that the signature of a savage was about as valuable as "a scratch of a bear's paw." In fact, he became the vendor of every man's estate at his own price, for the conciliation fee was always in proportion to its value and extent.

To exhibit to the people the necessity, as well as the policy of renewing their titles, writs of intrusion were issued against some of the principal inhabitants, which had the effect of terrifying others into obedience. To prevent the spread of sedition, he forbade all town meetings, except for the choice of officers, and prohibited any one from leaving the province without a pass from himself. In the mean time, while his orders in Massachusetts were left to be enforced by his subordinates, he proceeded to demand submission of the other New England colonies. He first visited Rhode Island, which, upon a *quo warranto* issued against her, declined to enter into a contest with the king, but appealed to his kindness. Having dissolved the government, and broken its seal, he appointed five of the principal magistrates members of his council, and issued commissions to all the local officers. Shortly afterward, he made an excursion into Connecticut attended by several of his assistants, and a guard of honor, consisting of sixty men, and demanded its charter. The Assembly, which was then in session, reluctant to surrender or even produce it, kept the subject in debate and suspense until the evening, when it was brought forward, and laid on the table.



By a preconcerted arrangement, the lights were suddenly extinguished, but without the slightest appearance of riot or disorder : when they were replaced, it was found (amid the well-feigned astonishment of all present) that the patent was gone. Sir Edmund now assumed the government, appointed his councilors, and closed the records of the colony, adding with his own hand the word "finis." \*

As consolidation appeared to be the principle on which James designed to act in America, this immense government, extending from the Hudson to Maine, was now still further augmented by the addition of the provinces of New York and New Jersey ; and a commission was sent to Andross, appointing him Captain-general and Vice-admiral over the whole territory. The constitution established for it was a governor and council, having executive and legislative authority, independent of the expression of popular opinion.

The progress of events, however, in Europe was working out a deliverance for the oppressed colonists of Massachusetts. During the spring of 1688, there was a rumor that the Prince of Orange was preparing to make a descent upon the coast of England, and shortly afterward a Mr. Winslow brought a copy of his proclamation. He was immediately apprehended, for introducing "a traitorous and treasonable libel into the country," and bail, which was tendered to the amount of two thousand pounds, was refused. The old magistrates, and influential colonists, silently wished, and secretly prayed for success to the glorious undertaking ; and determined either quietly to await the event, or pri-

\* "Captain Wadsworth, of Hartford, silently carried off the charter, and secreted it in a hollow tree, which, to this day, is regarded with veneration, as the preserver of the constitution of the colony. This oak stood in front of the house of the Honorable Samuel Wyllys, then one of the magistrates of the province. It still remains within the inclosure of the old family mansion, and is in little danger of injury, except from time, while under the auspicious care of his descendants. In reply to an inquiry concerning it, I was informed 'that venerable tree, which concealed the charter of our rights, stands at the foot of Wyllys Hill. The first inhabitant of that name found it standing in the height of its glory. Age seems to have curtailed its branches, yet it is not exceeded in the depth of its coloring, or richness of its foliage. The trunk measures twenty-one feet in circumference, and near seven in diameter. The cavity which was the asylum of our charter, was near the roots, and large enough to admit a child. Within the space of eight years that hollow has closed, as if it had fulfilled the Divine purpose for which it had been reared.'"—*Holmes' Annals*, vol. I. p. 470, *in note*.

vately to urge on the inhabitants to rebellion. The body of the people, who are easily excited, goaded to madness by the innovations with which they were acquainted, and the rumors of still greater changes that were in contemplation by the governor, whom they accused of being a Papist, were impatient of delay, and resolved to get up a little revolution of their own. Whether Andross was a Romanist, or a Churchman, can not now be well ascertained, the best historians of that period differing in opinion on the subject; and the fact was a matter of little consequence, for in their eyes there was little difference between the two; and it was currently reported that he had asserted he considered, as an Episcopalian, the practice of laymen ordaining clergymen, and setting them apart to administer the sacraments, without any warrant from Scripture, as a most gross piece of presumption. Whether the Puritans, many of whose ancestors came from Holland, to which they had fled for refuge, thought that the congeniality of Dutch Protestantism with the tenets of the non-conformists of England, would, by its popularity, prove too strong for the idolatrous king, or whether they believed, as they maintained, that they were the chosen people of the Lord, they arrived at the conclusion that they had a despot in the land; and that the only law they recognized, that of the Bible, required that he should be dealt with. To raise the popular fury to its greatest height, the people were told that it was the intention of the governor, in obedience to orders he had received, to take a favorable opportunity of falling upon the inhabitants of Boston with his garrison, and putting them all to death indiscriminately, in the same manner that the Huguenots had been exterminated in France. To aid this fearful act of slaughter, it was said that he had armed the savages, and kept them in pay to devastate the frontiers, and murder the settlers; and that it was arranged that the French were to invade the country at the same time and, as soon as it was depopulated, take possession of it, having secretly purchased it from the King of England.

Some of their grievances they knew to be real, for they had felt their effects: and believing both James and his representative to be capable of any act of despotism, no falsehood was too gross for their credulity. Without stopping to inquire into the probability, or even the possibility of a rumor being true, it was a sufficient guarantee for its accuracy if it were marvelous and atrocious.

The absurd story of two companies of soldiers putting a numerous, hardy, and brave population like that of Boston to the sword, answered the purpose, as well as any other invention, and the rage of the multitude knew no bounds. They rose *en masse*. Who originated this movement, and organized the people, is not now known, though Bancroft claims the merit of it, and probably with sufficient reason, for the ministers; but that it was not, as they represented it to be, an irresistible burst of popular feeling is manifest from the cautious mode of their procedure. Men who were more in the habit of quoting Scripture than acting under its benign influence, were at no loss to find passages to justify to their passions that which reason could not approve. Every text that sanctioned rebellion was familiar to the saints, while those that enforced obedience to authority were satisfactorily explained to refer to the support of a true Church like that of the Congregationalists, and a perfect civil constitution like that of their beloved and lamented republic. They were therefore informed, and believed it was the bidding of the Lord: "Smite Ammon, then kill him," said the canting demagogues; "fear not, have I not commanded you? be courageous, and be valiant." They were equally happy in their allusion to his fort. "Thy pride hath deceived thee, oh thou that dwellest in the cleft of the rock, that holdest the heights of the hill: though thou shouldst make thy nest as high as the eagle, I will bring thee down from thence, saith the Lord."

Their first step, as a strategic measure, was to avail themselves of a favorable opportunity, afforded by a visit for recreation or business, to secure the captain, several of the officers, and the boat's crew of the "Rose" frigate, then riding at anchor in the harbor. The second was a sudden and simultaneous rush of the whole population to the fort, where the governor and his party were surprised, and made prisoners.

In the mean time, the guns in the battery were brought to bear on the frigate, and others were taken on board of such vessels as were within range, so that at a preconcerted signal she could be disabled, or sunk by one general discharge of them all. The lieutenant, who appears to have been a man of courage and conduct, at last surrendered, on condition of retaining possession of his ship, but unbending his sails, and sending them ashore. The magistrates then made their appearance, and with their usual

caution interfered, with the benevolent intention, as they said, of saving the governor from popular fury, the existence and intensity of which, from their retired habits, was until then wholly unknown to, and deeply regretted by them. So general, however, was the excitement, and so universal the defection, that a large portion of the crowd consisted of boys; and at the head of the magistrates, was a retired governor of eighty-seven years of age. Even women participated in the universal enthusiasm, and joined the elders in exhorting the thoughtless multitude to remember that "Samuel hewed Agag in pieces before the Lord in Gilgal." They then aided in raising the favorite war-cry of Cromwell. "To your tents, O, Israel."

It was a hopeless thing for a few men to contend with the whole population of the country, for the alarm-bells had now brought in the inhabitants of the neighboring townships, and the governor, and his friends, surrendered. As soon as he was in custody, the magistrates assembled to offer him their protection, which they ventured to suggest would be infinitely more efficacious, if he would surrender the government into their hands. They accordingly addressed to him the following extraordinary letter, exculpating themselves from all participation in the rebellion, assuring him and his friends of their personal safety, and extorting an unconditional abdication under pain of popular vengeance :

"At the Town-house in Boston, April 18th, 1689.

"SIR—Ourselves and others, the inhabitants of this town, and places adjacent, being surprised with the people's sudden taking arms, in the first motion whereof we were wholly ignorant, being driven to it by the present accident, are necessitated to acquaint your Excellency, that for the quieting and securing the people inhabiting this country from their imminent danger, that they in many ways lie open and exposed to, and tendering your own safety, we judge it necessary that you forthwith deliver up the government and fortifications, to be preserved and disposed according to order and direction of the Crown of England, which suddenly is expected to arrive, promising all security from violence to yourself, or any of your gentlemen or soldiers in person, or estate; otherwise they will, we are assured, endeavor the taking of the fortification by storm, if any opposition be made."



As soon as the request was granted, the justices fulfilled their part of the compact with scrupulous fidelity; and through the aid of iron-bars effectually secured Andross from the intrusion or insults of the people, by keeping him in close custody at the fort. A long and elaborate declaration was then made from the Town Hall to the inhabitants, in which the part taken by themselves was justified in a manner to conciliate the Prince of Orange, if he should succeed; or operate as a defense, if the king should unhappily maintain his authority in the realm. The extremity of caution betrays a consciousness of guilt. An able state paper like that carries with it internal proof of previous preparation and study, and leaves no doubt on the mind that the insurrection was meditated and planned, and its justification written before the popular outbreak. It would have been more to their credit, if they had had the firmness to avow what they had the courage to execute; and had pleaded self-preservation as a justification, instead of an asserted regard for the personal safety of a governor, whose imprisonment would have been a poor atonement for his conduct, and whose safety would have been too dearly purchased by a falsehood.

Usurpation is at all times a dangerous thing, but when it is the act of a whole people, it is difficult to be dealt with, as there is always a certain degree of impunity in numbers. The magistrates therefore deemed it prudent to procure a written approbation of their conduct from the principal inhabitants, and then assumed the title of "a council for the safety of the people, and conservation of the peace," and filled up the offices vacated by the imprisoned councilors and friends of the governor. A convention of delegates was also called from the several townships, sixty-six of whom assembled at Boston, and requested the board to continue in office until a general election should take place. As soon as a House of Representatives was chosen, the members induced the council to re-establish the old order of things, until a new charter should be procured, or another form of government be settled for them in England.

While the attention of the magistrates was directed to their own safety, that of the governor was not so well attended to, and he managed to effect his escape. The regicides were men after their own heart, saints and personal friends, and they had professed themselves unable to trace them to their place of con-



cealment. Hatred, however, is a more active principle than duty. Sir Edmund was a Churchman or something worse, the servant of a tyrant; and, what was more to be dreaded, an injured man. No friendly hand was extended to aid, and no hospitable door was opened to receive him. Every inn had its curious questioner, and every village its constable. The manners of a courtier, and the language and accent of fashionable life betrayed him. He had neglected, or was unable to assume, the demure look, nasal drawl, and sleek locks of the Puritan; and when the hue and cry was raised, he was apprehended on suspicion, and detained till identified, when he was escorted back to prison by a party whose numbers showed more respect for his prowess than reliance on their own.

Admonished by this occurrence, they forthwith dispatched him, together with his predecessor, Mr. Dudley, who in the acceptance of office, as has been previously observed, had rendered himself the most unpopular man in the place,\* and several other persons, to England to take their trial.† The charges against them, however, were not reduced to form, nor duly signed by the local authority, and they were accordingly released soon after their arrival.

The effect of the revolt was electrical among the other colonies. At Plymouth, as soon as they heard of the insurrection in Boston, the people secured the deputy of Andross, and imprisoned him. The old Pilgrim Fathers were now all dead, but they had transmitted their gloomy religion and democratic spirit to their children. They reinstated the governor, who had been superseded by Sir Edmund, and renewed the constitution which, more than seventy years before, had been signed on board the "May Flower." In Rhode Island they assembled on the day of election in great numbers, and unanimously replaced their old officers, and resumed

\* Bancroft calls him "a degenerate son of New England."

† The inhumanity with which they were treated in prison, appears from their letters to their friends. The ex-President Dudley thus writes: "After twenty weeks' unaccountable imprisonment, and many barbarous usages offered me therein, the last seven weeks of which are upon account of your letters to me, I have now to complain that on Monday, the whole day, I could be allowed no victuals till nine of the clock at night, when the keeper's wife offered to kindle her own fire to warm something for me, and the corporal expressly commanded the fire to be put out. I may be easily oppressed to death. God will hear them that complain to Him." The complaints of Mr. Randolph, the dreaded custom-house-officer, show that his treatment was both cruel and indecent.

their former patent. New York underwent a violent change also. One of the lowest of the people, a bankrupt trader, of small capacity, but great boldness (a class of persons generally conspicuous in revolutions), urged the inhabitants to depose the lieutenant-governor, and authorize him to assume the administration of affairs until the Prince of Orange should send them one duly commissioned. Maryland ejected its proprietor, Lord Baltimore, and proclaimed William and Mary.

Thus did the revolution extend from Boston to the Chesapeake, and from the Atlantic to the frontiers of the French and Indians. The dethronement, however, and murder of Charles I., the overthrow of the Protectorate, the Restoration, the fall of James II., and the changes that preceded and followed the arrival of William and Mary, succeeded each other in such rapid succession, that men's minds in all the colonies became unsettled; and from the period of this spontaneous domestic revolution, a marked alteration was perceptible in the tone of feeling throughout all British America. People began to talk and act in a spirit of total independence of England. The power to control was much doubted, and the right utterly denied. Scotch Covenanters, English Independents, and Dissenters of every variety were fast covering the land, and although these fanatics differed more or less on doctrinal points, they all agreed in politics, for they were all republicans.

Shortly after Andross was released, he was appointed governor of Virginia, as a reward for exasperating the people of Massachusetts, and exciting them by his illegal conduct and oppressive measures into open rebellion, a precedent, the value of which may be estimated, from the uniformity with which it has been observed from that early date to the present period. Whatever changes may have taken place in other colonial usages, this has been generally adhered to, and from Andross, who caused a revolution in 1688, the effects of which are still felt in North America, to him who recently assented to an act, rewarding those who plunged their country into a civil war, imperial honors but too often await the man who signally fails of success in his administration, provided he obeys his orders; while he who preserves prosperity in the province committed to his charge, is as frequently left to enjoy in obscurity the approbation of his own conscience, unless military rank or parliamentary influence, are sufficient to supply the want of such a total absence of genius.

## CHAPTER III.

Representatives meet at Boston, and induce the Governor and Magistrates to continue in Office—King and Queen proclaimed—A general Jail-delivery—Orders received from England for the local Authorities to retain the Government until further Instructions—Anxiety in America as to the Convention of Parliament—Doubts of the Tories and Scruples of the Prelates—Conduct of the Whigs—Macanlay's Definition of the "Essence of Politics"—The Report of the Commons, and the Declaration of Rights read with great Interest by Provincials—Political Influence of the commercial Party in England—Its Conduct toward the Plantations—The Prerogative described—Its Effects in America—Blackstone's Definition and Bacon's Views of it—Local Assemblies imitate the Declaration of Rights—Cause of the Loss of the Old Colonies.

THE representatives of fifty-four towns met at Boston, on the 22d of May, and induced the governor and magistrates, chosen in 1686, to occupy again the position they formerly held according to the rules of their patent; but these gentlemen qualified their acceptance with a declaration that they did not wish it to be understood that they intended to reassume the charter government. As soon as this was agreed upon, the "Council of Safety" retired from their provisional office.

During all this time they had neglected to proclaim the king and queen, being more concerned for their own liberties than those of England. At last they endeavored to compensate in parade and processions for any deficiency in promptness, and the ceremony took place with more than usual regard to effect. On the accession of Charles II., every person was strictly forbidden, under penalties for disobedience, to drink his health. Wine was now served out to the soldiers, and they were encouraged to vociferate, on the joyful occasion, their benedictions on loyalty in the heart of the little republic. The death of a democratic usurper like Cromwell was no subject for rejoicing, for they were permitted to participate in his oppression. The expulsion of a royal despot like James deserved celebration, for they were the victims of his tyranny.

As soon as a new House assembled, the representatives declared that the Council ought to assume its proper share in the legislature, according to the charter, and unless they did so, they should decline to take any part in public affairs. Being thus compelled to accede to what they so much desired, the restoration

was fully effected. The change from the unlimited power of Sir Edmund Andross and four councilors, to the old government, which had subsisted for such a length of time, was most acceptable to the Provincials; but for want of confirmation from home, it did not acquire that weight and authority that was expected. The General Assembly, however, feeling that it rested on the voice of the people, the only source of power it recognized, entertained no doubts of the legality of its own acts; and directing the Supreme Court to proceed to the trial of several criminals then in jail, upon their conviction ordered them to be executed. They justified their conduct by saying, that "since the method lieth wholly with the freeholders, the re-establishment of patent privileges was correspondent to the late settlement of affairs in England." Of the petty intrigues of their agent in London, Mr. Mather, relative to the restoration of the old order of things, I shall not stop to give the particulars, as it is beside the object of this inquiry. The General Court, however, prepared an address to the throne, couched in the usual language of flattery, but with their characteristic caution, avoided the admission of imperial authority. In return, they received directions to continue the exercise of those powers of government they had usurped, and to proceed as they had heretofore done, until time could be afforded for taking the whole subject into consideration.

The period that intervened between the arrival of the Prince of Orange and the settlement of the crown upon him, was one of intense interest and anxiety throughout New England. They were aware that any protracted delay in the proceedings of Parliament, or disagreement between the two branches, or refusal of the prince to accept the terms on which it should be offered, would inevitably throw the whole kingdom into confusion; and it was just possible royalty might again cease to exist, and dissent be triumphant. As it was anticipated, serious difficulties did arise, which seemed at first almost insurmountable, and we are indebted to the Liberals of that day for a speedy solution of them. The Tories questioned the possibility of an abdication, or of the throne being vacant for a moment, and maintained that if the king's conduct could be considered as a demise, Mary was *ipso facto* queen. They felt the objection pressing upon them with irresistible force, that if the principles of their opponents were once established, it necessarily followed that the monarchy was



elective. The prelates, besides these questions of law, entertained conscientious difficulties with respect to their oath of allegiance. The Liberals were neither obstructed by the doubts of the one nor scruples of the other. The former were above their comprehension, the latter beneath their notice. Their idea of the British constitution may be summed up in a few words, "Might makes right," a maxim that lies at the root of all monarchical and republican tyranny. When announced by a king like James these consistent politicians denounced it as despotism; when proclaimed by a government, founded on popular suffrage, they called it "the voice of the people." When might was deficient, parliamentary skill was recommended. Macaulay, who, from co-operation with them, is familiar with their principles, says *the essence of politics is compromise*.

Modern history may be searched in vain for such an avowal as this, a maxim that substitutes expediency for principle, and party ascendancy for integrity. In this case compromise was not needed; they had the might and they used it. They called up the "spirits of the vasty deep." They sounded the alarm in the city, and summoned their old allies. The conventicles poured out their saints, and the pot-houses their sinners, and a mixed and motley crowd filled and surrounded the Palace-yard, alarmed the friends of order, overawed the timid, and emboldened their party leaders to call for a speedy decision.

Such an assemblage had never before been seen in England. Larger and noisier masses, mobs more excited and bent on mischief, had been known, but such an incongruous and heterogeneous body as this was a new element in the annals of parliamentary legislation. The disgusting mixture of obscene oaths with texts of Scripture, as they alternately proceeded from the thoughtless vagabonds of the town, or canting republicans of the old school, soon convinced, as it was intended they should, a majority of both Houses, that there was no time to lose. "I am instructed," said Lord Lovelace to the Peers, "to present a petition immediately, to proclaim the Prince and Princess of Orange to be king and queen." When asked by whom he was deputed to do so, he hesitated a while, for he had no such memorial, but "the essence of politics," a slight "compromise" of truth with falsehood, enabled him to answer, "There are no hands to it yet, but when I bring it here next, there shall be hands enough."



This attempt at coercion was indignantly resented, but the party had carried their point, and affected to repress what naturally subsided of itself when not agitated from beneath. This menace of Lord Lovelace, says Macaulay, disgusted his own associates. The promoters of the riots, he calls "the fiercer and lower class of Whigs, the old emissaries of Shaftesbury, the supporters of College." He says the Whigs were even more desirous than the Tories that the deliberations of the Convention should be perfectly free. A compromise means to yield something, to retain what is left, or to procure an advantage in exchange for one surrendered. True to their principles, they "compromised." They disavowed their agents, in which they exhibited more judgment than gratitude, for in truth they were associates whose support conferred no particular honor upon them; and they claimed, in return, the credit of obtaining by argument, that which they alone owed to compulsion and terror.

This revolution had a surprising effect in America, even more perhaps than in England. The report of the Committee of the House of Commons was read throughout the colonies with the deepest interest. Although it contained recommendations as the ground-work of future legislation, there not being time to mature and pass so many important laws as would be required to give them effect, yet viewed merely as declarations of opinions on subjects of vital interest, the Provincials studied them with the most critical attention. Among other things, it was suggested for future deliberation, that the judges should hold their places for life; that the mode of selecting juries should be altered in such a manner as to exclude partiality or corruption; that the Court of Chancery should be reformed; that the fees of public functionaries should be regulated, and that the law of *quo warranto* should be amended.

The declaration of right recapitulated the offenses and illegal conduct of the king. It stated that he had invaded the province of the legislature; had treated modest petitioning as a crime; had oppressed the Church by means of an illegal tribunal; had, without the consent of Parliament, levied taxes, and maintained a standing army in time of peace; had violated the freedom of election, and perverted the course of justice. Proceedings which could be questioned only in Parliament had been made the subject of prosecution in the King's Bench; partial and corrupt juries

had been returned ; excessive bail had been required from prisoners, and disproportioned fines imposed ; barbarous and unusual punishments had been inflicted, and the estates of accused persons had been granted away before conviction. Finally, it assumed that he had abdicated the government. It went on to declare that the dispensing power, lately assumed and exercised, had no legal existence ; and without grant of Parliament, no money could be exacted by the sovereign from the subject, and that without the consent of the legislature, no standing army could be kept up in time of peace. The right of subjects to petition—of electors to choose representatives freely—of Parliament to freedom of debate—of the nation to a pure and merciful administration of justice, according to the spirit of its own mild laws, was solemnly affirmed. All these things the Convention claimed, in the name of the whole nation, as its undoubted inheritance.

This declaration did not so much make new laws as clear the old from obscurity. It rendered that certain which illegal practice had involved in doubt. The fundamental principle asserted for the last time, and now for ever established by the Revolution, viz., that no taxes could be levied on the people but by their own consent or that of their representatives, while it secured the liberties of Englishmen, paralyzed the hold of tyranny in the provinces. Truth is eternal and immutable. That which is founded on reason, and the rights of freemen in Britain, can not be otherwise in America. The doctrine that representation was necessary to legalize taxation had always been held in Massachusetts, and in almost every other colony, from their earliest settlement. Their first resolve and their last declaration were assertions of this natural right, which, though not so boldly maintained, so far as the regulations of the commerce of the empire extended (although this was protested against), was claimed in the fullest and most unlimited manner in their internal affairs.

There was a latent element, however, in this revolution, doomed to exercise in after times a powerful and baneful influence in America. The commercial interest of the kingdom, by its enormous, and increasing wealth, emerged from the humble condition it had hitherto occupied, and soon made itself felt and considered, if not respected. An incipient national debt, occasioned by an expenditure that exceeded income, required loans, and the coffers of the tradesmen were offered to the needy government, until the

creditor was enabled to make his debtor sensible of his dependence. The sea-ports and the manufacturing towns rapidly encroached on the influence of the landed aristocracy, and boldly demanded a portion of power. This new class of aspirants for political influence, with the usual selfishness of trade, nurtured a jealousy of colonial commerce, and subsequently manifested a zeal in restricting it in a manner most beneficial to itself. It affected to see nothing in the transatlantic possessions but a market for English goods. Restriction and monopoly soon engendered a desire for taxation, and that, contrary to their narrow-minded calculations, not only failed in producing a revenue, but, by its ruinous expenses, nearly caused a national bankruptcy. True to their cold and selfish maxims, they regarded their balance-sheet as their only sure guide, which, however accurate it may be in a counting-house, is worse than useless to a statesman, who knows that it can never represent any thing more than the account of one branch of a vast, complicated, and dependent system, of which figures can convey no adequate idea whatever.

In their policy toward the old provinces, the commercial classes imagined they saw prodigious gain in perspective, and flattered themselves that compression alone was necessary to cause a constant stream of wealth to flow into England. In grasping at the shadow they lost the substance. The same sort of "ready-made" politicians now despondingly announce that they have discovered in their tabular accounts, that the cost of protection exceeds the value of the return, and propose to abandon colonies altogether.

These results of the great Revolution of 1688, were not only not dreaded, but not even suspected at the time on either side of the water. The Provincials, engrossed by its more immediate operation, saw their own emancipation from uncertain authority, and nothing more. The limitation of the prerogative was held by them as equally applicable to the regal power in America. Its exercise had been made even more perplexing and oppressive toward them than toward the English. Theory and practice had hitherto been so much at variance, that they scarcely knew where it would reach, or what it would subvert. What opinions eminent lawyers held on the subject was of little consequence to them, the practice had ever continued the same, and although Parliament, to make these new restrictions less obnoxious to royalty, asserted that they only declared what the law always had

been, it was manifest that if it had been so plain it did not require repetition, and that Westminster Hall was not so unanimous as had been represented. The very word "prerogative" was one of terror, for it was synonymous with a despotic power above the law, making or dispensing with laws at pleasure. Whichever way a colonist turned, he was met by it. It was invisible and intangible, but nevertheless it was omnipotent. It claimed the whole country, the right of taxation, of government, of regulating commerce, controlling the militia, of pressing sailors, and billeting troops, of making war and peace, of constituting courts, and administering justice in matters civil, military, or ecclesiastical, of monopolies, of coinage, and in fact, in and over all things. It had a jargon of its own, not very intelligible to the hardy but unlettered fishermen of the sea-coast, or the inhabitants of wigwams made of the bark of trees. When they heard of floatsam, jetsam and ligam, treasure-trove, deodands, and waifs, bona vacantia, ne-exeats and non-obstantes, and asked what these mysterious and unpronounceable words meant, they were told they were prerogative rights; and when they demanded what prerogative was, the best informed man could only reply in general terms, that "it is that special pre-eminence which the king hath over and above all other persons, and out of the ordinary course of the common law, in right of his royal dignity. It signifies in its etymology (from *præ* and *rogo*) something that is required or demanded, before, or in preference to all others. And hence it follows, that it must be in its nature singular and eccentric, that it can only be applied to those rights and capacities, which the king enjoys alone, in contradiction to others, and not to those which he enjoys in common with any of his subjects; for if once any one prerogative of the Crown could be held in common with the subject, it would cease to be prerogative any longer. And therefore Finch lays it down as a maxim, that the prerogative is that law in the case of the king which is law in no case in the subject."

This was the best description Blackstone could give of it at a later period. To a professional man, already practically acquainted with its operation, it may suffice, though not very perspicuous or precise, but ordinary men will rise from its perusal, not much enlightened by the definition of the learned judge. Lord Bacon, when colonization was first seriously thought of, instructed James I. in a very explicit manner on this subject.



He maintained: 1st. That the king may constrain the person of his subjects not to go out of the realm. 2d. That he may forbid the exportation of commodities.\* 3d. He may forbid the importation of any commodities into this realm. 4th. He may set a reasonable impost upon any foreign wares that come into the same; and so on native wares that go out of the realm.

The law being thus understood by Crown lawyers, the colonial charters of that reign were drawn in conformity with their opinions. We now perceive the reason why there were inserted in every patent, "a license to emigrate, a permission to export merchandise, and exemption from impost during a limited term;" and also similar provisions which were framed according to the prevailing notions of the times. "It is curious," says Chalmers, "to remark that it should seem, not only from the passage above cited, but from the argument of Bacon in the House of Commons, in support of the same doctrine, that there once existed in the law of England a principle, perhaps a practice, analogous to the internal and external taxation of the colonial controversy, since he contended that the king might establish an impost on exports and imports, though he admitted that the prerogative could not impose a domestic tax on lands or on polls." Thus, though the petition of right had determined, with regard to England, the law, against the opinion of Bacon, before recited, Charles I. continued to lay imposts on her dependent territories. The precedent for this had been established in Ireland. After its subjugation by Henry II., it was treated as a colony. The change made in its laws was not effected by any English Parliament, but by the charters of its conqueror, and other subsequent sovereigns, who considered it a dependent conquered dominion, and, as such, possessed a legislative power over it.\*

We have already observed that the repeated changes in the government of England had a very deleterious effect on the plantations. The popular cause in the colonies was always in advance of the parent country; and as soon as the Parliament obtained any new security for liberty, it was seized upon by the local legislature as their joint property, and their outposts were pushed on further into the royal territory. As soon as the report

\* See Chalmers's *Introd. to Hist.*, p. 3, notes.

† *Black. Com.* vol. 1. p. 99. *Cowper's Reports*, p. 210, *Prym. Inst.* vol. iv. p. 294.



of the Committee of the Commons, containing recommendations, reformatory laws, and the declaration of rights, arrived in America, the Assemblies every where passed fundamental laws, asserting their privileges, and what they conceived to be their liberties; and although these were very properly rejected in England, on the ground that it was absurd for such dependent colonies to designate the terms on which they would alone admit their subjection, still they afforded a convincing proof of the growth of democratic principles, and by the discussion to which they led, added life and strength to disaffection, which was now propagated with the utmost zeal by fanatics and demagogues. This encroaching disposition originated in an early and long-continued neglect of the colonies by England. When their importance began to demand attention, it was strengthened by an equally flagrant mismanagement; and when they became populous and obedient, it ripened into rebellion by an unjust and illegal claim of taxation, in the support of which the reasoning of English statesmen afforded topics of ridicule in the town meetings, and the conduct of the troops an easy triumph to the undisciplined levies of the agricultural districts.

It would be unavailing now to blame those who severed the connection, although, if there had been real affection on their part, the separation would not have been final. How much or how little censure they deserve, is not at the present time the question. What we owe to ourselves is a rigid self-examination. We should not shrink from laying bare our own faults, that we may avoid similar errors in future. If we yielded independence by not retaining sufficient control over the form of their constitutions, let us be more careful of concession. If we interfered with their just rights, let us respect those of the remaining colonists. If we tried responsible government, as we shall presently see we did, denuded the governor of his power, and invited resistance by our own weakness, let the salutary lesson not be lost upon us. In short, having once made shipwreck, let us survey the coast, and take the bearings of the rocks and shoals, and shape our course accordingly.

It must be admitted, that it is difficult for loyal colonists to look back upon the annals of those revolted provinces, without the deepest regret, and the most humiliating mortification. That the task of reviewing a series of absurd, negligent, and illegal acts of

needy governors and ignorant boards of control, all terminating in discreditable miscarriages and defeats, is too painful even to be attempted by English statesmen, is manifest from the fact that it has given neither prudence to their measures, wisdom to their councils, nor vigor to their conduct. When the independence of the old colonies was acknowledged, an immense number of dispatches from several governors were found in the public archives unopened. The pen had been laid aside in despair for the sword, and both were disgraced by imbecility. It is to be feared that the provincial history, every page of which is filled with valuable instruction, has shared the same fate as the official correspondence, and remained unread. A natural or accidental defect of vision is an infirmity well entitled to commiseration, but a statesman who disdains the labor of research, and remains willfully blind, is a criminal on whom expulsion or censure impose no adequate punishment.

Unhappily merit is not always the passport to office. Party convenience or family interest, parliamentary influence or successful intrigue, too often elevate men to important stations, who, from vanity, ignorance, or want of principle, are utterly unable to discharge their duties. Sad indeed is the condition of a people when such is the temper of those who govern them. This, however, is an evil that no revolution can ever cure; and it would seem to be a law of our nature, that we must depend on the lottery of life for the selection of our rulers. It has indeed become a parliamentary maxim, that Provincials must be content to have their work "coarsely and roughly done;" inasmuch as a colonial minister, who has never crossed the Atlantic, can not, in the nature of things, be supposed to know much about the young and vigorous empire committed to his charge. It is difficult to pronounce our opinion on the state of an invalid without visiting him. But when not only the disease, but its seat and its symptoms are differently represented, he who ventures to prescribe is generally found to be bold in proportion to his ignorance.

Empirics invariably proclaim that they have discovered a medicine applicable to all ages and persons, and all cases and diseases. Political jugglers, who, in integrity and knowledge are not inferior to their medical brethren, possess similar powers of invention and deception, and have ever on hand some nostrum of universal application. Of these, the last and most valuable specific for con-

stitutional infirmities, bears the captivating title of "Responsible Government." When the world is overrun with credulity, ought we not to cease to wonder at the number of knaves who gather the harvest? The sanatory state, however, of the colonial empire, fortunately for those intrusted with its care, furnishes abundant material for exculpation. The people will not follow the regimen ordered for them, or previous practitioners have mistaken their complaints. Their constitutions are naturally feeble, or it is an epidemic under which they suffer, that will soon pass away, or there is a complication of disorders—they are too much reduced for active measures—or their nervous temperament is difficult to manage. But who can doubt that their treatment has been both judicious and successful, when we have been so fortunate as not to have lost one of our numerous dependencies since the great pestilence of 1783, in which no less than thirteen fell victims to the ignorance and neglect of our ancestors. Warned by their failure, we have wisely avoided the route they traveled. Let us be careful that the road we have chosen does not lead to the same termination.

## CHAPTER IV.

Effect of Toleration on the Ministers—Cotton Mather's Attempt to raise a Revival of Bigotry, by spreading Alarm about Witches—His Books and Sermons—Preface by Richard Baxter—Exorcises a Child at Boston—Salem Delusion—Special Court—Its Proceedings—Executions—Case of the Rev. Mr. Burroughs—Sudden Change of Public Opinion—Mather falls into Contempt—Decline of Congregationalism—Arrival of Sir William Phipps with the New Charter.

THE summary manner in which the State prisoners were released on their arrival in England, and the favorable reception Sir Edmund Andross met with from the court, together with the continued delay their agents experienced in obtaining a renewal of the old, or the issue of a new charter, filled the people with the greatest anxiety and alarm. Having no representation in Parliament, and neither court nor party influence in England, beyond the sympathy of the sectaries, they had every thing to fear from royalty, to which they had always manifested a determined opposition, and nothing to hope from Episcopalians, whom they had ever oppressed and persecuted, while the service they claimed to have rendered to the public by enlarging the bounds of the empire, merited and received the answer, that their settlement was undertaken for their own advantage, and not the benefit of the State; and if their endeavors had been successful, they had themselves reaped the reward of their enterprise.

This state of uncertainty as to the form of their future government, weakened the hands of their local authorities, while toleration equally diminished the influence of the ministers. It is not easy for any person, not thoroughly versed in the history of these people, to comprehend the vast extent of power wielded by the clergy during the existence of the first charter. They were not only councilors by an unwritten law, but also the authors of State papers, often employed on embassies abroad, and at home speakers at elections and in town meetings, "New England," says Cotton Mather, "being a country where interests are remarkably enwrapped in ecclesiastical circumstances, ministers ought to concern themselves in politics." They were invested with civil and spiritual authority; there was no escape from their

grasp, and never could have been, had it not been for the toleration granted, or rather forced upon the people, by the Church of England. Religious liberty struck at the very foundation of their power, for emancipation of the mind and freedom of action are inseparable. We have seen that the Puritans, in flying to the wilderness to obtain exemption from ecclesiastical control, with singular inconsistency, claimed that privilege exclusively for themselves, making Church membership the qualification for the right of citizenship. To uphold this spiritual domination, the aid of the civil power was called, in return for which assistance the clergy lent their powerful support to the government. By their united efforts, all dissent was banished or extirpated from the colony, and at the time that they were inveighing against the persecution of the Episcopalians, they themselves made liberal use of mutilation, whipping, banishment, and even the gallows, to preserve conformity.

The moment religion was left unfettered, there was an immediate reaction in public feeling. Unrestrained liberty as usual produced licentiousness. The people had been governed by their fears, no less than by their affections, and the clergy lost their authority. New sects sprang up, with a zeal and vigor that ever attends novelty; and, as usual when many kinds of dissent are found in the same field, they produced hybrid varieties of the same species in abundance, until the ground was overrun with their exuberance, and every wholesome and sound plant was smothered by their rapid growth and coarse foliage.

The ministry felt it to be their duty, as they knew it was their interest, to recall men's minds from these numerous errors. The difficulty of the attempt lay in the selection of the means. After cool reason, and exciting declamation had been severally tried and failed, recourse was had to superstition. The Puritans had ever esteemed themselves a chosen people, and were fond of comparing New England with Canaan, of tracing a resemblance in their flight to the wilderness to that of the Israelites, and of assimilating their laws to the Mosaic code. In every piece of good fortune they saw an especial answer to their prayers, and in every mortification and calamity the direct personal malice of the Devil and his agents. This vanity and credulity their preachers had always encouraged, as their own influence necessarily kept pace with the superstition of the people. They now fell back upon it



as their last resource to check the inevitable consequences of the late act of toleration.

Among this numerous and powerful class, there was one man, Dr. Cotton Mather, admirably well qualified to preach up a crusade. He was more distinguished for subtle reasoning, and a deep knowledge of human nature, than any of his contemporaries, and was less obstructed by scruples, or restrained by consequences. Extremes meet. The Puritans abhorred any thing that bore the slightest resemblance to Popery, or reminded the beholder of its abominations. In their ceremonies and doctrines they succeeded as well as they could have desired in producing a contrast; but in conduct and principle, in which power rests, they were identical with one of the most able and artful of the Romish sects. Ultra Puritans like Dr. Cotton Mather, and extreme Romanists like Ignatius Loyola, bear so striking a resemblance to each other, that they may be both classed as members of the same school. The non-conforming remnant of the former body still remaining in the Church of England, who call themselves, with no little modesty, Evangelicals, but are known to others by the more appropriate name of Low Churchmen, are alike distinguished for their violent denunciations against Popery, and their decided partiality for and open practice of Jesuitical principles.

Dr. Mather in order to promote a revival in religion, and restore the lost authority of the clergy, alarmed the fears and awakened the superstition of the whole people by deliberately planning and promoting the witchcraft delusion, which inflicted such an indelible disgrace on his country. He aspired to be considered the great champion of the Church, and the most successful combatant against the Prince of Darkness. Eager to signalize himself in this particular kind of warfare, he seized upon every occurrence that could be represented as the result of diabolical agency, circulated in his numerous publications as many tales of supernatural wonder as he could collect, and, at last, got up the delusion he so much desired in Boston. Having found a fitting instrument for his purpose, in a young girl of remarkable quickness and versatility of talent, he took her into his house for the purpose of exorcising her. Among many proofs she gave of being possessed of a devil, one was that she was very fond of the Book of Common Prayer, which she called her Bible, while she could not decipher a syllable of the Assembly's Catechism. At

the same time she exhibited such a tendency to heresy, she was often permitted to utter words of consolation and truth, and she would sometimes stand on the threshold of the Rev. Doctor's library and say: "They can't come in; God won't suffer them to enter into thy presence." The doctor published a narrative of her diabolical performances, together with a sermon, which was circulated through the country, and reprinted in England under the superintendence of his patron and friend, the noted Richard Baxter, who, in a recommendatory preface of his own, affirmed, "that he who would not be convinced by all the evidence Dr. Mather presented that this child was bewitched, must be a very Sadducee." Time had not softened the cruel disposition of this persecuting English Dissenter, nor age mitigated his ferocity. He exulted in the part he had himself taken during the Commonwealth in urging on Hopkins, the Puritan witch-finder, in his murderous occupation. Alluding with unfeeling bitterness to the execution of an aged clergyman on a similar charge, who had read his own funeral service at the gallows, and whom he called "the reading parson," he encouraged Mather to proceed in his glorious career.

The work of the Rev. Doctor, entitled "Memorable Providences, relating to Witchcraft and Possessions," received the sanction of the other Puritan divines of Boston, who declared that the author had clearly proved "there was a God, and a devil, and witchcraft. The old heresy of the sensual Sadducees denying the being of angels either good or evil, died not with them nor will it, while men abandoning both faith and reason, count it their wisdom to credit nothing but what they see and feel. How much this fond opinion hath gotten ground in this debauched age is awfully observable, and what a dangerous stroke it gives to settle men in atheism it is not hard to discern. God is therefore pleased, besides the witness borne to this truth in Sacred Writ, to suffer devils sometimes to do such things in the world as shall stop the mouths of gainsayers, and extort a confession from them."

This sermon affords a curious specimen of fanatical declamation. "Witchcraft," says the author, "is a renouncing of God, and the advancement of a filthy devil into the throne of the Most High, witchcraft is the renouncing of Christ, and preferring the communion of a loathsome, lying devil, before all the salvation

of the Lord Redeemer ; witchcraft is a siding with Hell against Heaven and Earth, and therefore a witch is not to be endured in either of them. It is a capital crime, and is to be prosecuted as a species of devilism that would not only deprive God and Christ of all His honor, but also plunder man of all his comfort. Nothing too vile can be said of it, nothing too hard can be done to such a horrible iniquity as witchcraft is."

The favorite texts on the subject were, "Thou shalt not suffer a witch to live," and "Have I not chosen you twelve, and one is a devil." Such a fearful subject, handled in such an exciting manner, easily prepared the way for the tragedy that followed.

While this delusion, so wickedly devised and so artfully sustained, was thus spreading over the metropolis, its operations were going on with tremendous efficacy in Salem and the neighboring towns. Additions were continually making to the number of accusers, by voluntary accessions, and by those who, having been charged themselves, to save their lives, confessed and became witnesses against others. The prisons in Salem, Cambridge, and Boston, were crowded with supposed witches, and all the securities of society were dissolved. Every man's life was at the mercy of his neighbor. Fear, says the historian of this period, sat on every countenance. Terror and distress were in all hearts, and silence pervaded the streets. Many of the people left the country ; all business was at a stand ; and the feeling, dismal and horrible indeed, became general, that the *providence of God was removed* from them, and that they were given over to the dominion of Satan.

To meet the extraordinary crisis a special commission was issued to several of the principal citizens and jurists of the colony, constituting them a court, to try accused persons at Salem. They assembled by particular appointment at the Court House, on the 2d of June, 1692. The first victim, an old woman, was executed on the 10th of June. The court then adjourned. The government during the recess consulted several of the Congregational ministers of Boston and its vicinity, respecting the prosecutions, who, while they urged the importance of caution and circumspection in the method of examination and admission of testimony, at the same time decidedly and earnestly recommended that the proceedings should be "vigorously carried on." The court sat again on the 30th of June, and five more

old women were put to death on the 19th of July. It opened again August the 5th, and on the 19th of the same month four men and one woman were executed ; and on the 22d of September two men and six women were hanged. Eight more were condemned, but these were the last that suffered capitally, at that time. One man refusing to plead to the indictment, was pressed to death as a punishment for his contumacious silence.

The principal immediate effect of these summary and sanguinary proceedings, was to render the accusers more bold, confident, and daring. They began to feel that the lives of the people were in their hands, and seemed at last to have experienced a fiendlike satisfaction in the thought of bringing infamy and death upon the best and most honored citizens of the colony. Among those who suffered was the Rev. Mr. Burroughs, of Salem, whose fate struck a horror through the community, which it required all the art and sophistry of the board of ministers to calm. He was a well-educated man, had received the honors of Harvard University, in 1676, of a spotless life, and no charge of inconsistency as a minister had ever been attempted to be brought against him. On the day before his execution, the unfortunate woman, Margaret Jacobs, who appeared as a witness against him, obtained permission to visit him, when she made a full acknowledgement of her perjury, and entreated him for his forgiveness. This he freely gave her, and spent some time in prayer with her. When the hour arrived for his execution, he was carried in a cart, with other convicts, from the jail to Gallows Hill, about an eighth of a mile toward Danvers. While Mr. Burroughs was on the ladder, a contemporary writer observes, "he made a speech for the clearing of his innocency, with such solemn and serious expressions as were the admiration of all present. His prayer was so well worded, and uttered with such composedness and such fervency of spirit, as was very affecting, and drew tears from many, so that it was apprehended the spectators would hinder the execution. To meet and turn back this state of feeling, the accusers cried out that they saw the Evil Being standing behind him in the form of a black man, and dictating every word he uttered ; and the infamous Cotton Mather hurried round among the crowd on horseback, haranguing the people, and saying that it was not to be wondered at that Mr. Burroughs appeared so well, for that the devil often transformed



himself into an angel of light. This artful declaration, together with the outcries and assertions of the accusers, had the intended effect upon the fanatical multitude. When the body was cut down it was dragged by a rope to a hollow place excavated between the rocks, stripped of its garments, thrown with two others into the hole, trampled down by the mob, and finally left uncovered.

Nor did Mather forget those whose orthodoxy was doubtful. The religious toleration granted and enforced by Andross, disclosed the fact that there were some of the Baptist heresy still dwelling among the faithful. When positive proof could not be obtained against the delinquent, spectral evidence was admitted, a term then in use to designate information exhibited to the eyes or conveyed to the ears by spirits or ghosts. These irresponsible informers soon gave notice that the devil was at work among the people, in the shape of a Baptist preacher, making them renounce their baptism, and be dipped anew by him, and reviling and ridiculing the lawful ministers of the elect. The absurdity of these charges naturally led people to inquire if there was not fraud in others. Alarmed at the magnitude of the evil, they paused and conferred with each other on the subject; but that which finally overthrew the power of the informers, was the increasing number of persons of character, station, and influence among the accused. They repeatedly charged the Rev. Mr. Willard, the author of the "Body of Divinity," one of the most respectable ministers of the time. They accused a member of the immediate family of Dr. Increase Mather, who had recently returned from a special embassy to the English court respecting the charter, and was then the President of Harvard College, the man whom Eliot calls the "Father of the New England Clergy." A writer of that period also intimates that they lodged information against the wife of the newly-arrived governor, Sir William Phipps, and implicated one of the judges of the court. Their last accusation (which was preferred against Mrs. Hale, the wife of the minister of the First Church in Beverly) was, in the opinion of the public, the most false and wicked of all, and effectually broke the spell by which they had held the minds of the whole colony in bondage. Her genuine and distinguished virtues had won for her a reputation, and secured in the hearts of the people a confidence, which superstition itself could not sully nor shake. Mr Hale had un-



happily been active in all the previous proceedings, but knowing the innocency and piety of his wife, he stood forth between her and the storm he had himself helped to raise. In denouncing Mrs. Hale, the whole community was convinced that the accusers had perjured themselves, and from that moment their power was destroyed. The awful delusion ceased, and a close was put to one of the most tremendous tragedies in the history of real life. There are few if any other instances on record of a revolution of opinion and feelings so sudden, so rapid, and so complete.

During the prevalence of this fanaticism, twenty persons lost their lives by the hand of the executioner, fifty-five escaped death by confessing themselves guilty, one hundred were in prison, and more than two hundred others under accusation. Immediately upon the termination of the excitement, all who were in jail were pardoned. Nothing more was heard of the afflicted, or the confessors. They were never called to account for their malicious impositions and perjury. It was apprehended that a judicial investigation might renew the delusion, and all were anxious to consign the whole subject as speedily and as effectually as possible to oblivion. The state of things which Cotton Mather labored to bring about, in order that he might increase his own influence over an infatuated people, by being regarded by them as mighty to cast out and vanquish evil spirits, and as able to hold Satan himself in chains by his prayers and his piety, brought him at length into such disgrace, that his power was broken down, and he became the object of public ridicule and open insult.

The excitement that had been produced for the purpose of restoring and strengthening the influence of the clerical and spiritual leaders, resulted in effects, which reduced it to a still lower point. Congregationalism then received a shock from which it never afterward fully recovered. The intelligence of the ministers, if not their integrity, was questioned, and doubt, distrust, and infidelity soon struck root amid the ruins of superstition. While their fearful proceedings were in progress, Sir William Phipps arrived with a new charter, the nature of which we shall describe hereafter, and thus were terminated all hopes of the restoration of the old order of things. It forms an important era in colonial history. Hitherto, the people had governed themselves without the control of England. They still continued to do so, as we shall see, in spite of her interference. They grew up in neglect; when re-

strait was attempted, they resisted ; and the moment they were able, they severed the connection. The Whigs reversed this policy for the remaining colonies ; they began with restraint, and ended with neglect and fatal indulgence, which are likely to produce a similar result.\*

\* Whoever is desirous of further information on this subject, will find ample details in Hutchinson, and the Collection of the Massachusetts Historical Society, but the best account is by the Rev. Mr. Upham, from whom I have drawn largely.

## CHAPTER V.

### REVIEW.

The two most interesting Periods of American History extend, 1st. From the Settlement of Massachusetts to the English Revolution of 1688; 2d. To the Independence of the Colonies in 1783—Review of the first Period—Number and Names of Colonies then settled—Their Population and Commerce—Account of the different Forms of Government then established there—Great Increase of democratic Opinions—Change in Tone of Feeling in Virginia—Some Account of the Church there—Loyalty of Churchmen—State of Maryland, Pennsylvania, and New York—Effect of the Conduct of New England upon them.

THE two most interesting periods of the colonial history of America extend from the first settlement of Massachusetts to the great English Revolution of 1688, and from thence to the peace of 1783, that insured the independence of the revolted provinces constituting the United States. We have now arrived at the termination of the first, and must pause to review and contemplate it. It is by far the most curious and instructive, inasmuch as during that time the colonies were planted; their constitutions, after various alterations, assumed a definite form; and they were sensibly affected by every change which the innovations of those days introduced into the parent country. If we except Georgia, afterward planted, and Florida, subsequently conquered, the continental colonies were now firmly established, and consisted of Massachusetts, including Plymouth and Maine, Rhode Island (embracing Providence), Connecticut, New Hampshire, New Jersey, New York, Pennsylvania, Maryland, Virginia, and the two Carolinas, and contained about two hundred and fifty thousand inhabitants, of which at least seventy-five thousand were settled in New England. Their commerce was carried on by twenty-five thousand tons of shipping, which was navigated by two thousand six hundred seamen.

No regular plan of colonization had ever been adopted. Settlements formed by accident or caprice were left to languish or flourish, as the character of the people, or the nature of the soil or climate, happened to operate. They were not trained up,

they grew up ; and being beyond the reach of parental control, governed themselves in their own way. Many constitutions were drafted and proposed for adoption ; the most arbitrary, impracticable and absurd of which emanated from men like Locke, whom England delights to honor as her most distinguished sons. It may be some consolation to the admirers of that great man to know that modern statesmen, with a wider experience and infinitely increased means of information, have exhibited as little skill in legislating for colonists as he did. Several of these forms were tried in different places with more or less success, but at the time we are now speaking of, though varying from each other in many respects, they may be classed under three heads : Charter, Proprietary, and Royal Governments. Of the first were Massachusetts, Rhode Island, and Connecticut ; of the second were New Jersey, Pennsylvania, Maryland, and Carolina ; and of the third New York, Virginia, and New Hampshire.

The origin of those charter governments, as we have seen, was the surreptitious removal to America, by the Puritans, of a patent granted to certain of their number as a trading company, whose court was to meet and act in London, and the attempt to adapt this incomplete and incompatible instrument to the purposes of civil government. Subsequently other charters, equally inapplicable, were granted, in which not even the unsubstantial appearance of sovereignty was reserved to England. They were pure democracies. They elected every one of their officers, from the highest to the lowest, and displaced them at pleasure, while the laws they enacted went into operation without transmission to England for approval. The main object in devising a constitution for a dependency is, or ought to be, as has been very well expressed by an author of very great weight on this subject, "to make the new establishment as useful as possible to the trade of the mother country ; to secure its dependence ; to provide for the ease, safety and happiness of the settlers ; to protect them from their enemies ; and to make an easy and effectual provision to preserve them from the tyranny and avarice of their governors, or the ill consequences of their own licentiousness ; that they should not, by growing into an unbounded liberty, forget that they are subjects, or lying under base servitude, have no reason to think themselves British subjects." This is all that colonies, according to the present and best ideas of them, can or ought to be.

The second form in use was the proprietary. It was not then difficult for a person who had interest at court to obtain large tracts of land not inferior in extent to many kingdoms, and to be invested with a power over them very little less than regal, to govern by what laws, and to form what sort of constitution he pleased. A dependence upon the crown of England was shown only by the payment of an Indian arrow, a few skins, or some other trifling acknowledgment of the same nature. In these the lords of the soil, having derived from the same source the regal rights that Counts Palatine enjoyed, stood in the place of the king, who possessed within their limits neither the means of effectually executing what the supreme legislature had enacted, nor the undefined authority which superintendence may claim. Of these, by far the most important were Maryland and Pennsylvania. In the former the constitution consisted of a Governor and Council appointed by the proprietors, and an Assembly elected by the people. The reservations of the crown amounted only to a negative on the nomination of the Governor, the appointment of the officers of the customs, and their independence from local control. In Pennsylvania the proprietary was under the same restrictions that limited that of Maryland, but was more restrained by the people, for their legislature had but two parts, the Assembly of the delegates and the Governor. The latter wanting the great influence which the Council gave in other places, found himself engaged in a very unequal contest whenever his sentiments differed from those of the House.

In the royal provinces of Virginia, New York, and New Hampshire, the Governor, the Council, and the Delegates formed a miniature of the King, the Lords and the Commons. The Governor had the honor of representing the body politic of the king; the members of the Upper House awkwardly discharged the twofold duty of the peers, by acting as a sort of privy council, and as senators in the making of laws. The Delegates engaged the submission of the people to what all had assented, since they were chosen by themselves. As the House of Assembly was the guardian of the privileges of the subject, the Council was constituted chiefly to preserve the prerogative of the crown, and to secure the dependence of the colony; and the more effectually to answer these ends, they were appointed during pleasure only. When any bill passed the two Houses, it came before the Gov-



ernor, who declared or withheld his assent as he thought proper. If approved by him, it then acquired the force of a law, although still liable at any period within three years to be annulled by the royal vote. The local legislature, whether of the charter, the proprietary, or the royal government, had but little similarity to the Parliament, because the one was merely that of a district, the other of an empire. The former was, therefore, provincial and subordinate; the latter was universal and sovereign.

Such were the forms of government that then prevailed, and the result was pure democracy in the charter governments. There was but a shadow of a shade of royalty in the proprietary provinces in the person of a governor who represented, but disobeyed the palatine, who himself acknowledged the supreme rank, but disowned the authority of the king. Royal governments were distinguished for turbulence and disaffection. In all of them a refractory people ruled, overawed or bribed the needy representative of royalty, whose silence they knew how to secure, as he was dependent on their bounty for his support, and whose removal they could always obtain by loud and hollow professions of loyalty, accompanied by protestations, that he alone was the cause of their distractions.

The exemption from all control enjoyed by the people of New England at once excited the envy, the admiration, and the disobedience of the other colonists, while the democratic opinions of her sectarian population, now fast extending themselves into the other parts of the continent, effected a rapid change in the sentiments of the provincials. Virginia, which had been originally settled by members of the Church of England, and subsequently peopled by the Cavaliers, had ever been distinguished for its loyalty. It had been divided into parishes at an early period, and supported a regular ministry. By the law of the land there was to be a room or house in every plantation "for the worship of God, sequestered and set apart for that purpose and not to be for any temporal use whatever: also a place of burial." Absence from public worship "without allowable excuse" was punishable by the forfeiture of a pound of tobacco, or fifty pounds if the neglect was continued for a month. The celebration of divine service was to be conformable to the Church of England. No minister was to be absent from his parish more than two months, under pain of losing half his salary, or the whole of it, together with

his cure, if his non-residence extended to four months. He who disparaged a clergyman without proof was to be fined five hundred pounds of tobacco, and to beg his pardon publicly before the whole congregation. Their salaries were to be paid out of the first gathered and best tobacco and corn, and no man was to dispose of his crops before paying his dues, under a penalty equal to the full amount of his tax.

It was not then known that a bishop should be the first, and not the last to land on the scene of missionary labor; and the clergy, often badly selected, always poorly paid, and far removed from ecclesiastical control, were gradually overcome by the intrigues and misrepresentations of non-conformity, by the want of proper protection from the home government, and the growing licentiousness of a people, whom the climate, the bounty of nature, and the facility of acquiring wealth, inclined or seduced into indulgence. Amid all the temptations as well as the difficulties of their situation, the long struggles the inhabitants made against the spread of democracy, and the warm attachment they evinced to their king, and the institutions of the mother country clearly prove how loyal and dutiful is the teaching of the establishment, how important it is to further her extension, and assist in the endowment of her parish churches, not only in America, but in all the British possessions abroad. At a still more recent period, it was a most consolatory fact, that in the late rebellion in Canada, there were no Churchmen among the traitors who have been so mercifully compensated for the inconvenience they suffered by imprisonment or exile.

Neglected as the clergy were in Virginia, and unmindful as they themselves sometimes were of their duty, their labors were not without their effect. Spotswood, writing to the Bishop of London, says: "I will do justice to this country: I have observed here less swearing and profaneness, less drunkenness and debauchery, less uncharitable feuds and animosities and less knaveries and villanies, than in any part of the world where my lot has been." But at the same time he remarked and lamented the growth of republican principles: "The inclinations of the country," he said, "are rendered mysterious by a new and unaccountable humor, which had obtained in several counties, of excluding the gentlemen from being burgesses, and choosing only persons of mean figure and character."

The people of Pennsylvania, a mixed race of Germans, Swedes, Dutch, and English adventurers, had no innate sense of loyalty, and no common feeling of religious attachment to the church of the mother country. Calvinists, Lutherans, Minists, Moravians, Independents, Anabaptists, Socinians, Dimplers, and Churchmen lived in singular harmony together, because the wants of nature left them but little time for the indulgence of theological discussions; but they all, with the exception of the last, agreed in the opinion that occupancy gave a title to land, and that a laborious population had a better right to the soil than a speculating proprietary. The Quakers, who boasted of their peaceful disposition and habits of submission, though not turbulent, became troublesome subjects by their passive resistance to all measures that they disapproved of, and impeded the machinery of government by refusing to aid in its defense, or contribute to its support.

Maryland, originally settled by Papists, regarded the revolution with dread, and had more sympathy with Rome than England, a feeling not a little increased by the contagious disloyalty, as well as the unjust and ungrateful persecution, she experienced from the Protestant sectaries, whom she had received and tolerated within her limits. With regard to both these provinces, as well as Carolina, the Lords of the Committee of Colonies represented to the king, that "the present circumstances and relation they stand in to the government of England is a matter worthy of the consideration of Parliament, for bringing these proprietaries and dominions under a nearer dependence on the Crown, as his Majesty's revenue in the plantations is very much concerned herein."

New York, distracted by the contentions of two parties for supremacy, which England could neither compose nor redress, partook of the general contagion. The Council reported to the Lords of the Committee of Colonies, in July, 1691, "that New England had poisoned those Western parts, formerly signal for loyal attachment, with her seditious and anti-monarchical principles;" while Grahame, the Attorney-general, informed them that "the principles of loyalty and good affection to the Crown, which were inherent to the people of New York, are now extinguished." The contagion soon overspread the remaining colonies, because "predisposition of habit naturally attracts infection." Guarry, whose office of Surveyor-general of the customs enabled

him to know the genuine principles and practice of every province, represented officially to the Board of Trade, "that this malignant humor is not confined to Virginia, formerly the most remarkable for loyalty, but is universally diffused." Very shortly after this period, so rapid had been the spread of these anti-monarchical opinions, that the governor writes from New York: "Now the mask is thrown off. The delegates have called in question the Council's share in the legislature, trumped up an inherent right, declared the powers granted by letters patent to be against law, and have but one short step to make toward what I am unwilling to name. The Assemblies claiming all the privileges of a House of Commons, and stretching them even beyond what they were ever imagined to be in England, should the Councilors by the same rule lay claim to the rights of a House of Peers, here is a body co-ordinate with, claiming equal powers, and consequently independent of, the great council of the realm; yet this is the plan of government they all aim at, and make no scruple to own. But as national and sovereign empire is to be exercised by them that have the balance of dominion in the nation, so provincial or dependent empire is not to be exercised by them that have the balance of dominion in the province, because that would bring the government, from being subordinate, to be national and independent."

As no consistent or well-digested plan was prepared to remedy these evils, recourse was had to expostulation, to issuing peremptory orders to governors, and to threats of invoking parliamentary interposition. These measures only aggravated the evils they intended to repress, for commands and menaces were alike disregarded where it was well known that there was no power whatever to enforce them; and the authority that was at first evaded or disobeyed, at last became every where the subject of ridicule or contempt.

## CHAPTER VI.

### POLITICAL INSTITUTIONS UNDER THE CHARTER.

Office, Duties, and Modes of Appointment of the Charter Governors—Court of Assistants—Origin and Growth of the House of Delegates—Jealousy of the People as to the Power of Governor and Magistrates—Code of Laws described—Specimens of the Sentences of the Courts—Perfect Equality secured by their Laws and Institutions—Account of Townships and Town Meetings—Counties, Towns, and General Court present a Miniature of a great Republic—Union of the Colonies, the Foundation of the Federal Union of the States—General System of popular Education prepares the People for Self-government.

WE have seen in the foregoing chapters, that in civil and ecclesiastical matters, Massachusetts and the other adjoining colonies, known as New England, asserted and maintained total independence. An attentive consideration of these institutions leads us to the conclusion that they had ever in view the project of adhering as nearly as possible to a democratic form of government.

From the moment of their landing in America, and taking possession of the country, though they preserved a friendly intercourse with England, the colonists extinguished all obedience, and severed all political connection with it. They set up a government of their own, based on popular election, and, as freemen under the charter, claimed and enjoyed the right of modeling their constitution in their own way, and appointing their own officers, to exercise for a limited period executive and legislative functions. Their republicanism was not theoretical, but practical; not having a predominant character of self-government, but possessing no other ingredient but the will of the people. Jealous of gubernatorial influence, they delegated as small a share of authority to the governor as possible, who was chosen annually, and was little more than chairman of the assistants. He had the power of convening the legislature upon urgent occasions; but this he only enjoyed in common with the deputy-governor, and the majority of the councilors, either of whom could command their attendance if he neglected, or did not see fit to do so.



He voted with the assistants, but merely as a member of the court, his opinion having no more weight necessarily attached to it than that of another individual, unless there was an equal division, which entitled him to a casting vote; but he could not adjourn, prorogue, or dissolve them, acts which were reserved for the majority only. He issued commissions to civil and military officers; but the former were appointed by the court, and the latter generally elected by their companies or regiments.

The oldest dispute in the colony related to the grounds and limits of the governor's authority. At Boston, on occasions of dividing the town lands, "men of the inferior sort were chosen." The doctrine of rotation was asserted, even to the neglect of Winthrop, "lest there should be a governor for life." When one of the elders proposed that the office should be held in that manner, the deputies immediately resolved that no magistrate of any kind should be elected for more than a year. The justices once assembling, in a sort of aristocratic caucus, nominated several persons for the choice of the people, but they took care to neglect every one of the candidates thus proposed. On the other hand, when one of the ministers attempted to dissuade the freemen from selecting certain persons who were obnoxious to the clergy, they disliked the interference of the adviser, more than they approved of the doctrine of frequent change, and returned them almost without an exception.\* So deeply rooted and widely spread was the prejudice against a life tenure, that it may be said to have prevailed throughout New England. Connecticut, by a distinct declaratory clause in its fundamental constitutions, carefully guarded against any such result.

The advantage that democracy gains by making provision for public officers annually, and not attaching fixed salaries to their situations, was very early perceived. In a contested election for governor, in the year 1641, Mr. Bellingham was chosen over his rival Winthrop, by a majority of six votes. The result was not agreeable to the General Court; and the first order they made, after proceeding to business, was to repeal a standing law, allowing him a yearly salary of £100. This precedent they afterward adopted, as we shall presently see, with great success, in embarrassing all the subsequent representatives of royalty, until the actual breaking out of hostilities.

\* Bancroft; Winthrop.

The assistants or councilors were annually chosen by the whole body of freemen in the colony. They constituted, with the governor, at the first settlement, the whole, and subsequently one of the two branches of the Legislature, and were also the Supreme Court in all civil and criminal causes, except in those instances in which an appeal was allowed to the General Assembly. When the Lower House came into existence, the members chose the Speaker, and proceeded to business, not only without presenting him to the governor for his approbation, but without even acquainting him with the result of their election, or the name of the person whom they had selected.

In the first little republic, every thing was based, as far as the freemen were concerned, on general and often-recurring elections. It was a fresh and young shoot from the tree of liberty, and grew with all the vigor of youth into wild luxuriance, that defied alike the pruning-knife or the training hand of cautious experience, until it overran the whole country. By a natural consequence of causes, the operation of which was not then at all understood, the Upper House became more dependent on the popular voice than the lower branch, inasmuch as it was chosen by the freemen of the whole commonwealth, and the other by those resident in the several districts. The assistants, therefore, had a larger constituency to conciliate and represent, and were consequently more under observation, and more exposed in the conflicts of party, to the ingratitude of unstable friends, or the rancor of inflamed opponents. As sanctity of manners and soundness of doctrine were strong recommendations to popular favor, they became every day more expert in the language of cant, and more obsequious to their partisans the ministers, until at last they were unable to stem the torrent of fanaticism, whose channels they had so industriously widened and deepened themselves. Stripes, confiscations, banishment, and death, were liberally awarded to heresy, to gratify the ignorant zeal of the mass, and the vindictive malice of the clergy, who considered dissent from their opinions as far more criminal than rape, burglary, or highway robbery—the one being punishable, if persisted in, with death; and the others entitled to those lesser penalties that were awarded to offenses not capital.

Men who fail in obedience themselves, generally compensate for the defect by extorting it from others. A stubborn, unyielding

temper is the cause of these peculiarities. While the Puritans of New England made the world ring with their accusations against the tyranny of Laud, they did not disdain to make use of the instruments of despots, to enforce conformity to their own views. For this purpose, they passed a law on the subject of torture, which, though nominally prohibiting, authorizes its application, and regulates its use. It begins by forbidding recourse to be had to it generally, but excepts any case in which the criminal is first fully convicted by clear and sufficient evidence; after which, if it be apparent, from the nature of the case, that there are confederates with him, he may be tortured; yet not with such instruments as are barbarous and inhuman.

The rigor of justice extended itself as well to the protection of the rights of property as to the moral habits of the people. A remarkable instance of this is shown in the power given to creditors over the persons of their debtors. The law admitted of a freeman's being sold for service to discharge his liabilities, though it would not allow of the sacrifice of his time by being kept in prison, unless some estate was concealed.

It was owing to a jealousy of magisterial authority that a compilation of the laws was sought for with avidity by the people. They were disinclined to invest the justices with any discretionary power whatever, in apportioning punishments to the circumstances of each particular case, and required an exact penalty to be attached to every offense, preferring to lose the benefit of mitigation to incurring the dangers of arbitrary decisions. In order to appease the murmurs of dissatisfaction, the work was undertaken in earnest, and after fourteen years of deliberation of committees formed of magistrates, ministers, and elders, a code was produced and ratified by the Legislature. These laws, ninety-eight in number, were named "fundamentals," or "body of liberties." This curious compilation commences with a general statement of the rights of the inhabitants, in seventeen articles, of which several may now be found embodied in the Constitution of the Great Republic, and the State Bills of Rights. Next follow "rights, rules and liberties in judicial matters," forty-one in number; "liberties concerning freemen," twenty in all, and chiefly referring to the civil polity of the colony. Two are devoted to the liberties of women. Liberties of children, and of servants, are each contained in four

articles. Liberties of foreigners and strangers occupy three additional ones, and the "brute creation" is protected by two. Capital laws inflict the punishment of death on twelve offenses, and the whole concludes with an account of the liberties the Lord has given His churches.

It is a most extraordinary production, and will well repay the labor of perusing. That it was unwillingly compiled and published is well known; but this compulsory task was so adroitly performed, that most clauses contain some qualifications to render them inoperative. Thus every church may choose its minister, provided he be able, pious and orthodox. Private meetings are allowed to all sorts of Christian people, "if they be without offense as for number, time, place, and other circumstances." "There shall be no captivity among us," but the slave-trade is established by the exception, unless it be captives taken in just wars, those who sell themselves, or *such as are sold to us*. Liberty and hospitality is granted to all foreigners who profess *the true* Christian religion. No inhabitants to be compelled to go beyond the jurisdiction in any offensive, but only in *vindictive* and *defensive* wars, and so on.\* It contains not the most distant allusion to the laws of England, since it was compiled chiefly from the Jewish system, which was adopted because it had been given to an elect people; and the common law and statutes of their fathers were no more regarded in Massachusetts than in

\* Apparel was regulated by these rigid magistrates as well as morals. In the year 1649 the following circular was sent through the country by the magistrates: "Forasmuch as the wearing of long hair, after the manner of the Russians (*Cavaliers*?) and barbarous Indians, has begun to invade New England, contrary to the rule of God's word, which says it is a shame for a man to wear long hair, as also the commendable custom generally of all the godly of our nation, until within this few years. We, the magistrates who have subscribed this paper (for the showing of our own innocency in this behalf) do declare and manifest our dislike and detestation against the wearing of such long hair, as against a thing uncivil and unmanly, whereby men do deform themselves and offend sober and modest men, and doe corrupt good manners. We doe therefore earnestly entreat all the elders of this jurisdiction, as often as they shall see cause, to manifest their zeal against it in their public administrations, and to take care that the members of their respective churches be not defiled there-with; that so such as shall prove obstinate, and will not reform themselves, may have got God and man to witness against them."

"JO. ENDICOTT, Governor.

"THOS. DUDLEY, Deputy-Governor.

"And others.

"The 3d month, 6th day, 1649."

Germany or France, as they were deemed inapplicable to their condition. They declined to administer justice in the name of the king, because they did not like the appellation nor admit his jurisdiction, but preferred to use the more appropriate term of "the established authority," since they affected the state of a commonwealth.\* These ordinances were, however, of their own making as well as their Constitution, and both were the acts of the people.

They held the maxim *Vox populi, vox Dei* to be equally true in politics and religion. Public opinion in a free country, when rightly understood, exercises a most salutary and necessary influence over the officers of government; but if it be so closely applied as to absorb all independence, it ceases to be a check and degenerates into tyranny. It does not limit and circumscribe authority by constitutional guards, it annihilates it.

Equality of condition was secured by a law regulating the descent and distribution of the real and personal property of intestates. The exclusive claim of any one heir was not listened to, but an equal division was made among all, reserving only to the eldest son a double portion, to reward him for his labor and assistance in acquiring the estate, and to enable him to stand in *loco parentis* to the family when deprived of its natural guardian.

\* While they were without a code or body of laws, their sentences seem to have been adapted to the circumstances of a large family of children and servants, as will appear from the following, which, from among many others of the same sort, I have extracted from the public records :

"John Blastowe, for stealing four baskets of corn from the Indians, is ordered to return them eight baskets, to be fined five pounds, and hereafter to be called by the name of Josiah, instead of Mr., as formerly." "Sergeant Perkins is ordered to carry forty turfs to the fort for being drunk." "Captain Lovell to be admonished to take heed of light carriage." Thomas Petit for *suspicion* of slander, idleness, and stubbornness, to be severely whipped and kept in hold." "Catherine, the wife of Richard Cornish, found *suspicious* of incontinency, seriously admonished to take heed."—*Hutchinson*, vol. I. p. 436.

The Connecticut laws, which were framed and executed by people vastly inferior in ability and education to those of Massachusetts, are conspicuous for their harshness as well as their absurdity :

"No. 17. No one shall run of a Sabbath-day, or walk in his garden or elsewhere, except reverently to and from church.

"No. 18. No one shall travel, cook victuals, make beds, sweep houses, cut hair, or shave on the Sabbath-day.

"No. 19. No husband shall kiss his wife, and no mother shall kiss her child upon the Sabbath-day.

"No. 31. No one shall read Common Prayer, keep Christmas or Saint's days, make mince pies, dance, or play on any instrument of music, except the drum, the trumpet, and the Jews' harp."



This fundamental law in a country where people generally marry early and have numerous children, effectually destroys the natural tendency of property to accumulate in the hands of a few. Hereditary claims were also rejected, their public officers being all annually chosen from the body of freemen, without regard to distinctions. Old associations and early prejudices in favor of rank and fortune, though theoretically disclaimed, were not inoperative at first in the choice of the governor and assistants; but they gradually gave way to the principles they had laid down for themselves, and in time station or family connections were found to be aristocratical barriers to public favor. At an early date perfect equality was aimed at. Not more than half a dozen gentlemen took the title of Esquire, nor more than four or five out of a hundred freemen that of Mr., although they were, in general, men of substance. Goodman and Goodwife were the common appellation. Destroying the distinctions of rank, conferring equal rights on all the freemen, and sanctioning a distribution of real estates among the children of intestates, were the foundation and support of the first, as they now are of the second American Republic.

Their militia service, though regulated by law, was enforced by officers chosen by the companies, and placed under the command of a general nominated by the freemen, but approved and appointed by the court.

The principle of self-government was claimed and exercised by the inhabitants of townships, subdivisions of counties corresponding in some respects to English parishes. These little local communities possessed certain corporate rights. The people assembled together, and voted sums of money to provide for the poor, the support of religion, the erection of public buildings, the repair of highways, the maintenance of police, and similar objects; and also for the purpose of electing assessors, collectors, justices, and select men. The duty of these last officers was to see the law of the land observed, and especially to enforce the orders of the people in all matters relating to the good government and internal management of the township. They were also charged with the direction of the education of the rising generation, the support of the ministers, and the mode of apportioning and collecting the sum ordered by the general court to be raised within their jurisdiction for State purposes.\*

\* See *Wonder Working Providence, Sion's Saviour*, p. 191.

A law, passed at a very early date (about 1636), gave a peculiar character to these townships. It prohibited the erection of dwelling-houses in any new town at a greater distance than half a mile from the church. Lands, in consequence, were seldom granted to individuals, but only to companies, associated together for settling a plantation. The New England rural districts were thus made villages, differing in that respect from those of Virginia, whence resulted a concentrated population. This arrangement was originally made for the religious organization of the settlers; but as it produced combination, it effected in the end most important political as well as social results.

The town meeting was a place where matters were publicly discussed, whether they related to the votes and conduct of representatives in the General Court, or were only of parochial interest. They were normal schools for politicians, where aspirants for popularity railed against the salaries and extravagancies of the commonwealth, declaimed on the rights and privileges of freemen, extolled the value and importance of the charter, drew frightful pictures of the profligacy of princes, and their wicked attempts to enslave the people, and by their pompous orations encouraged their countrymen to prefer death to dependence. Questions of privilege, that occasionally arose between the different branches of the legislature, were here most learnedly discussed, as well as matters of doctrine and discipline, that sometimes disturbed the churches. Points that have puzzled divines and philosophers, were disposed of with great ease and fluency, and the applicability of texts of Scripture to every imaginable case most clearly demonstrated.\* The expediency of uniting with the other colonies, and the plans of attack and defense in the French and Indian wars, being of more interest, were treated with less cant, and more knowledge and discretion. In short, in those little democratic assemblies were trained the men, who were afterward to maintain their rights in the General Court.

The Commonwealth of Massachusetts, therefore, was a miniature of the great Confederation. The General Government and

\* The General Court being much agitated on the question of the right of veto in the assistants, called upon Mr. Cotton, the great divine of the day, to preach on the subject. He chose the following most *pertinent* text (Hag. ii, 4): "Yet now be strong, O Zerubbabel, said the Lord; and be strong, O Joshua, son of Josedech, the High Priest; and be strong, all ye people of the land, and work: for I am with you."—*Hub. Hist. of New England.*

Supreme Judicial Establishment, having jurisdiction over the whole country, centred at Boston, as those of the United States now do at Washington.\* Every township, as we have seen, was, to a certain extent, for all internal matters, independent, made by-laws for its own inhabitants, regulated its own fiscal and territorial affairs, and was represented in the State legislature at the capital. Massachusetts was, in fact, a union of many little sovereign communities, with a federal government, composed of district delegates, with the power of enacting laws for all, in those matters in which the co-operation of all was necessary, and without which authority could neither be respected nor maintained. The supreme power of the commonwealth, whether for defense, revenue, or legislation, was indispensable for the welfare, if not for the existence of the state. The uncontrolled management of their local affairs was not less essential to the freedom and the independence of the townships.

It was as spirited and able sketch, which the masterly hands of modern politicians have filled up, without destroying the likeness, and its features are all discernible in the inimitable Constitution of the United States. The resemblance is most striking in the confederation entered into in 1643, already described, under the designation—"The United Colonies of New England," consisting of delegates from Massachusetts, Plymouth, Connecticut, and New Haven, the prototype of the great American Legislature of the present day. It suggested the idea of all those Conventions, whether provincial or continental, that preceded the war of independence, as well as the Congress. It even contained some articles, now to be found in the American Constitution; namely, the delivery of runaway slaves and fugitives, and the provision that judgments of courts of law and probate of wills in each colony, should have full force and effect in all the others. It carefully guarded the separate privileges of each contracting province; and thus the doctrine of State Rights was first broached and acted upon two hundred years ago.

But the first settlers of Massachusetts laid the basis of their

\* Under pretense of choosing a geographical centre for Congress, American statesmen provided against the danger of being overawed or even influenced by the mob of a large city. Washington is little more than a small town, composed of public buildings and hotels—a simple arrangement that would strip Paris of its variety and insecurity.

freedom on a broader, better, and surer foundation, than any of those institutions to which I have referred—on a well-regulated, well-proportioned, and general education. Montesquieu, in his "Spirit of Laws,"\* says that the principle of a republic is "virtue," which he defined politically, to be "respect for the laws, and a love for our country." In this sense, virtue is found nowhere so strong as in the United States. The frightful tales related by travelers, of Lynching and summary justice inflicted by excited mobs, are occurrences peculiar to territories bordering on civilization. In all ages, and in all countries, barbarians and outlaws resort to fastnesses, or dwell on the confines of the desert, in the inaccessible depths of the wilderness. In America, these regions are the resort of their own criminals, and the refuse of Europe; but it would be the height of prejudice, or injustice, not to give the population at large the credit they deserve, for respect for the laws.† They are a sensible and practical people, and feel that the safety and durability of their institutions depend upon this submissive obedience. They are aware that they are their own laws, enacted by themselves, and that if they disappoint their expectation, they have a better remedy in repealing, than in violating them. They know instinctively, what that great philosopher had discovered by reasoning and research, that, in a republican government, the whole power of education is required. Most nobly has this duty been discharged.

Scarcely had the ground in the neighborhood of Boston been cleared, when the General Court founded a college, which they afterward called Harvard, in token of gratitude to a clergyman of that name, who bequeathed a considerable sum of money to it. The town of Newtown in which it was situated, was denominated Cambridge, the name of the *alma mater* of many of the principal people in the colony. In this respect, they showed a far greater knowledge of the world, and of the proper course of education, than the inhabitants of the present British colonies. They first established a university, and then educated down-

\* Spirit of Laws, Vol. I. Book 4, Chap. 5.

† Something very like Lynching was attempted in London lately, at Barclay's brewery, on Marshal Haynau; and although hundreds were concerned in it, the Government were unable or unwilling to bring the offenders to justice. It is not the fashion in England to hang traitors. Loyalty is becoming a rare offense, and excites the irrepressible ire of the "most enlightened citizens" of the greatest city in Europe.



ward to the common schools, as auxiliary seminaries, which were thus supplied with competent teachers; while duly qualified professional men and legislators, were simultaneously provided for the state. In Canada, there is an unfriendly feeling toward these institutions, which people, who play upon popular prejudice or ignorance, endeavor to foster, by representing them as engrossed by the sons of the rich, who are able to pay the expense of their own instruction, without assistance from the public treasury; and that all that is thus bestowed, is so much withdrawn from the more deserving but untrained children of the poor.

Six years after the arrival of Winthrop, the General Court voted a sum, equal to a year's rate of the whole colony, toward the erection of this college. The infant institution was a favorite. Connecticut and Plymouth, and the towns in the east, contributed little offerings to promote its success. The gift of the rent of a ferry was a proof of the care of the state; and once at least, every family in each of the colonies gave to the college at Cambridge twelve-pence, or a peck of corn, or its value in unadulterated wampumpeag,\* while the magistrates and wealthier men were profuse in their liberality. The college, in return, exerted a powerful influence in forming the early character of the country. As soon as this institution was fairly in operation, provision was made, by the allotment of land, local assessment, and otherwise, for elementary schools; "it being one chief project of that old deluder Satan," says the preamble to this venerable law, "to keep men from the knowledge of the Scriptures, as in former times keeping them in an unknown tongue; so in these latter times, by persuading men from the use of tongues, so that at least the true sense and meaning of the original might be clouded with false glosses of saint-seeming deceivers, and that learning may not be buried in the graves of our fathers."

It was ordered in all the Puritan colonies, "that every town-

\* Wampum was considered as the Indian money, one fathom was worth five shillings. Their white money they called *wampum*, which signified white; their black *suckawhock suki*, signifying black. A traveler thus describes it: "In my way I had opportunity of seeing the method of making wampum. It is made of clam-shell, containing within two colors, purple and white, and in form not unlike a thick oyster-shell. The process of manufacturing it is very simple. It is just clipped to a proper size, which is of a small oblong parallelopiped. then dulled, and afterward ground to a round smooth surface and polished. The purple wampum is much more valuable than the white, a very small part of the shell being that color.—*Thatcher's History of Plymouth.*



ship, after the Lord had increased them to the number of fifty householders, shall appoint one to teach all children to write and read; and where any town shall increase to one hundred families, they shall set up a grammar-school, the masters thereof being able to instruct youth so far as they may be fitted for the University." The joint operations of both gave a pre-eminence to the people of Massachusetts, which they maintain to this day. At a later period, this laudable example was followed in almost every part of the country, now called the United States; and in no respect is their wisdom more conspicuous than in thus following the example of their forefathers.

Here it may be both convenient and useful to pause, and compare the Constitution of the first New England Republics, and that of the great Federal Government of the present day. The introduction of democracy was the work of the Puritans. It went infinitely further than that of the revolutionists. The latter was conservative. The admirable Constitution of the United States is less simple in its structure, but safer in its operation; less democratic in its form, but confers and insures more freedom, and is better provided with appropriate checks to guard the independence of the people, and protect it from its own excess. It echoes public sentiment, but the tone is subdued and softened by repetition. The unmistakable voice of the people is heard; but the medium through which it passes, mitigates its overpowering sound, and it is so modified that it can be distinguished with ease, and listened to with safety. The statesmen who drew up that master-piece of wisdom, were, however, greatly indebted to their ancestors, for exhibiting to them their imperfect experiment in self-government, for all or the greater part of their institutions may be traced to those of the first settlers. Universal suffrage, annual parliaments, and yearly governors, are more democratical than the practical, rational, and enlightened descendants of the New Englanders thought conducive to the deliberative character of Congress, or compatible with the peace and harmony of the people.

The first idea of a Congress was suggested, as we have seen, by the Confederation of the united colonies of New England, which was in existence for about forty years. It consisted of delegates from the associated provinces, formed but one assembly, and was presided over by one of their number, chosen by them-

selves. With the records of this body before them, and a Legislature in the old Puritan plantations, consisting of a Governor, Assistants, or Second House, and an Assembly, all chosen annually, it is natural that they should adopt one or the other as their model. Perceiving the defects of each, they blended the best parts of both, and made such improvements as were necessary. It was for the wisdom of these additions, not the invention, that they are entitled to the gratitude of their countrymen, and the admiration of mankind.

The governor, when elective in the old colonies, was chosen directly by the people. The framers of the Constitution adopted the principle of popular choice; but to avoid danger, vested it in electors chosen by the inhabitants, under the direction of each State. A very wise and salutary measure. This body is again secured against corruption by being chosen only within thirty-four days of the election. In the old provinces, the governors were annual officers; but they had no foreign policy to pursue, and their territorial jurisdiction was small. To preserve the principle of fresh appeals to the people, and at the same time insure consistency in the councils of the nation, the President's period of service was extended to four years.

In New England, the governors were often constrained to yield to the House of Delegates, because they had the power to give, increase, diminish, or withhold their salary. The new Constitution provides that he shall receive a stated sum, that can be neither augmented or reduced during his term of office. To make him a constituent branch of the legislature, and give him a voice equally potential with either or both of the other two chambers, was not only incompatible with their ideas of equality, but did not appear to be demanded by any indispensable necessity. It was obvious, however, that he ought to possess the means of defending the executive department, as well as the just balance of the Constitution against usurpation. He was therefore invested with a qualified negative. When a bill has passed both Houses, that he disapproves of, he returns it, with his objections, to the Chamber in which it originated. If both Houses, after reconsideration, adhere to their bill, by a vote in each of two-thirds of its members, it then becomes law, the qualified veto notwithstanding.

In the old compact of "Confederation of the United Colonies,"

under the first republics of New England, we have seen that there was but one Chamber, as now subsists in France. The experience of mankind\* has unequivocally condemned the practice of leaving all legislation in the hands of any one unchecked body of men. The hasty violence and constant instability of their proceedings have ever shown that they are unsafe depositories of power. Warned by the failures of the Italian republics, which were all thus constituted, and having before them the example of the royal provincial governments, in which there were two branches, they very wisely made Congress to consist of two Chambers, the Senate and House of Representatives. Based on popular election, and adhering as closely as possible to the principle that the people were the source of all power, the Senate was so constructed as not to be a mere duplicate of the Lower Chamber. It consists of two members from each State, chosen, not by the people at large, but by the legislature, for six years, and, by an admirable arrangement, one-third vacate their seats biennially, by which means no very violent or sudden change can take place, and a large number of experienced men are always retained, well versed in the policy of the country, and the forms of the House. The conduct, dignity, knowledge, and authority of the Senate are the best evidence of the skill of those who made the salutary regulations that have produced this result.

The power to make treaties is lodged jointly with the President and the House. Better councilors it would be impossible to select for him. They possess the advantage of being easily assembled, and governed by steady, systematic views, feel a due sense of national character, and can act with promptitude and firmness.

In the old republic all officers were elective. In an immense country like the United States, it was obvious that to have recourse to the whole people on every occasion of a vacancy, if not impracticable, would be attended with ruinous delay, and greatly embarrass public business. The difficulty lay in knowing to whom to give this vast patronage. To place it in the hands of the President alone, would necessarily give him the means of corruption; to intrust it to the Senate, would render

\* See Adams's *Defense of the American Constitution*, vol. III. p. 502. Also *Kent's Commentaries*.

him contemptible, as he could have no voice in the selection of those officers, for the performance of whose duties, as the head of the executive, he was responsible. They obviated both objections, by giving him the sole power of nomination, and the right of approval or rejection to the Senate. Nomination is, for all practical purposes, equivalent to appointment; but the revision to which it is subject imposes on the President the necessity of avoiding favoritism, intrigue, and a careless use of patronage.

In no case, perhaps, is the advantage of this system more perceptible than in the judiciary of the United States. It is impossible to conceive a more admirable mode of selecting judges. In England the appointment rests with the minister of the day, and the choice is not always such as meets the approbation of the bar or the public. In Canada the general rule used to be, *cæteris paribus*, that the senior member of the profession was held to possess the best claim to preferment. Even that mode is open to serious objections, but the present practice is beyond comparison the worst to be found in any country. A seat on the bench is now a political prize, and the dominant party claims it for partisans. None of those high qualifications so essential to the efficient and respectable discharge of judicial duties, neither talent, learning, nor integrity are recommendations equal to political services. High and honorable as the office of judge is in England, it is infinitely more so in the Great Republic. The commission is awarded neither by the personal friendship nor political sympathy of the President, but by the deliberate choice of that officer and the concurrence and approbation of all the States in the Union, as expressed by the collective voice of their Senators. Well may that country be proud of its judiciary, when so constructed; and the judges of an appointment that rests solely on great abilities, undoubted rectitude of conduct, and universal respect.

The House of Representatives is composed of delegates of the several States. In the old republic the elections were annual; an improvement has been made in the new by extending the term to two years; a period which the best informed men in the country think still too short. As this is called the popular branch, its members being chosen directly by the people, while the Senate is the result of a double election, and less under their immediate control, it possesses the exclusive right of originating



all bills for raising revenue, which is the only privilege it enjoys in its legislative character not participated in by the Senate, and even money-bills can be amended by them. The two Houses are an entire and perfect check upon each other, and one of them can not even adjourn, during the session of Congress, for more than three or four days, without the consent of the other, nor to any other place than that in which both shall be sitting.\*

It is not within the scope of this work to enter more at large on this subject. It was stated, in an early part of this volume, that republicanism in America was not the result of the Revolution, but that it existed there from its first settlement. The whole of this historical narrative clearly proves that assertion. It was subsequently said, that in its original form it was infinitely more democratic than the present Constitution of the United States; and to illustrate that position I have drawn up the foregoing brief comparison of the leading features of each. In the course of our examination, succinct as it necessarily must be, enough appears to exhibit the delicate skill, consummate knowledge, enlarged views, and patriotism of the statesmen who framed the Federal Constitution. Nothing by any possibility could be devised more suited to the situation, feelings, wants, habits, and preconceived opinions of the people. It has conferred happiness and safety on many millions: may it ever continue to do so. *Esto perpetuo.*

\* See Kent's Commentaries, vol. i. p. 223.



## CHAPTER VII.

### DEMOCRATIC FORM OF CHURCH GOVERNMENT.—ITS EFFECT ON POLITICAL OPINIONS.

Different Course pursued by the Church and Dissenters at the Reformation—  
Difference between Presbyterians, Independents, and Puritans—Three kinds  
of Puritans—Their Doctrines and Form of Ecclesiastical Government—Sin-  
gular Valedictory Address of the Puritans to the Members of the Church of  
England—Extraordinary Union of Church and State among the former—  
Cause of present political Unity of Action between Dissenters and Romanists.

WHILE the people on the continent of Europe were engaged in the work of reformation, the Church of England, with equal zeal and more discretion, set herself about the great task of restoration. She had never voluntarily submitted to Rome, nor fully admitted her authority over her. She had been previously encroached upon from time to time, owing to the imbecility or contentions of her princes, but had never failed either to resist or protest, to assert her exclusive jurisdiction, or to claim the exercise of her ancient usages.

If not anterior to that of Rome, the Anglican Church was at least coeval with it, being founded, as there is substantial ground for believing, by one of the Apostles. At a very early date, it had its orders of bishops, priests, and deacons, and subsisted, as independent in its action as it was isolated in position, for a period of nearly six hundred years, before the grasping and aspiring spirit of Rome attempted to seduce or force it into an acknowledgment of her supremacy. At the close of the sixth century, about the year 596, Gregory I. sent Augustine the monk to demand the submission of the English prelates, who, with their flocks, had gradually been driven westward by the barbarians that had invaded the island; and as these successful emigrants were heathens, he was at the same time instructed to Christianize them, if possible. In the first object of his mission he wholly failed, having received a decided refusal from the seven bishops, who assembled in Worcestershire to hear his proposition. In the latter (the conversion of the conquerors) he was more suc-

cessful, and immediately assumed jurisdiction over his proselytes. The Papal power having thus obtained a footing, never afterward ceased its endeavors to enlarge it upon every practicable occasion, or plausible pretense.\*

To shake off the errors and corruptions of Romanism, and preserve what was sanctioned by the usage of the apostolic age, was a work of great labor, and at the same time great delicacy. The task of the Church, unlike that of the impetuous and headstrong body of innovators who called themselves Protestant Reformers, was not to pull down and reconstruct, but thoroughly to repair and completely restore the ancient edifice in all its beauty, simplicity, and proportion. Nobly was this arduous and important duty performed. Search was made for the forms of the olden time, before the irruption of the Roman priesthood; for the prayers in all the ancient sees were not alike, as each bishop had, according to primitive custom, the power of regulating the liturgy of his own diocese. From these authentic sources was compiled with great labor and infinite patience the Book of Common Prayer, which has extorted from one of the most learned and eminent Dissenting divines of this century this extraordinary eulogium: "That it is by far the greatest uninspired work extant."†

Romanists themselves, when permitted to exercise an independent judgment, admitted its unexceptionable character and great beauty, and joined in its use for more than twelve years. Two of the Popes, Paul and Pius IV., went so far as to offer to sanction it if Queen Elizabeth would acknowledge the supremacy of the Pope. Upon her refusal she was excommunicated, in 1569, and from that period British Papists became schismatics.

The English Dissenting Reformers, though not so ignorant as those of the Continent, were, with some distinguished exceptions, in general violent and vulgar fanatics. They were but little acquainted with the history or antiquity of their own primitive church, and cared still less about it; all they knew was, that even when purified and restored, it still resembled that of Rome too much to please them. As they had rejected the Pontiff, they saw no reason to obey a bishop; and it was obvious to the meanest capacity, that if the regular clergy were abolished, tithes

\* Bennet on Common Prayer. Theophilus Anglicanus.

† Hall.

would necessarily cease also. So convenient and so unscrupulous a party were soon seized upon by politicians to advance their own ends. They were told then, as their descendants are informed to this day, by the leading Liberals of England, who view with no friendly eye such a Conservative body as the Church, that it was the child of the Reformation, the offspring of chance, and the result of a compromise between royal prerogative, Papal pretension, and popular rights ; that it had neither the antiquity of the old, nor the purity of the new faith ; and that it was behind the enlightenment of the age. In fact, it was stigmatized as deriving its origin from no higher authority than an Act of Parliament. Macaulay has lent his aid to perpetuate this delusion, and the innovating propensities of the Whigs may well be imagined from the fact, that even history is not safe in the hands of a reformer.

As this dissentient body, at a subsequent period, furnished the pioneers who settled in New England, it is necessary to take a cursory view of their position, divisions, and political and religious principles, that we may understand the character and temper of the people we have been treating of.

There were at that time three great parties of Nonconformists in the parent country—the Presbyterians, the Independents, and the Puritans. There were some points in which they all agreed, but there was a broad line of distinction among them in others. They concurred in a thorough hatred of Popery and prelacy, which they affected to consider nearly synonymous terms, and united in a desire to restrain the regal authority, but different in degree. The Presbyterians, from the habit of mingling politics with their religious discourses, often gave vent to violent and seditious language. A preacher at St. Andrews, called monarchs “Beelzebub’s children,” and not long after, another at Edinburgh, said the king had been possessed of a devil, and that one being expelled, seven more fierce and unclean had entered in his place, and wound up by declaring that the people might lawfully use and take the sword out of his hand. But, notwithstanding these ebullitions of vulgar abuse and priestly insolence, the party in general, both in England and Scotland, were desirous of going no further than reducing the king to the simple station of first magistrate.

The Independents wished to abolish the monarchy altogether,

as well as the aristocratic order, and projected an entire equality of rank, and the establishment of a free and independent republic. At the same time they differed from the other two in upholding toleration; and it has often been remarked as a singular fact, that so rational a doctrine did not emanate from reason, but from the height of extravagance and fanaticism.\* They neglected all ecclesiastical establishments, and would admit of no spiritual courts, no government among pastors, no interposition of the magistrate in religious concerns, and no fixed encouragement annexed to any system of doctrines or opinions. According to their principles, each congregation, united voluntarily and by spiritual ties, composed within itself a separate church, and exercised a jurisdiction destitute of temporal sanctions over its own pastor and its own members. The election alone was sufficient to bestow the sacerdotal character; and as all essential distinctions were denied between the laity and the clergy, no ceremony, no institution, no vocation, and no imposition of hands was, as in all other Churches, supposed requisite to convey a right to holy orders. The enthusiasm of the Presbyterians led them to reject the authority of prelates, to throw off the restraint of liturgies, to retrench ceremonies, to limit the riches and power of the priestly office. The fanaticism of the Independents, exalted to a higher pitch, abolished ecclesiastical government, disdained creeds and systems, neglected every pre-existing form, and confounded all ranks and orders. The soldier, the merchant, the mechanic, indulging the fervors of zeal, and guided by the impulse of the spirit, resigned himself to an inward and superior direction, and was consecrated, in a manner, by an immediate intercourse and communication with Heaven.

The Puritans again, were divided into three classes, which, though commonly united, were yet actuated by different views and motives.† First, There were the political Puritans, who maintained the highest principles of civil liberty. Secondly, the Puritans in discipline, who were averse to the ceremonies and episcopal government of the Church. Thirdly, the doctrinal party, who rigidly defended the speculative system of the first reformers. These subdivisions are not very intelligible nor interesting to the general reader, and subsequent events have rendered

\* Hume.

† See Neal's History of the Puritans



them of less importance.\* The despised and persecuted Episcopal Church of England has, by the blessing of God, taken deep root in America; the uniformity of its practice, the simplicity and beauty of its ceremonies, the fixed and established principles of its creeds and doctrines, have survived the factious or prejudiced sects that opposed it; many of whose adherents, have at last found shelter and repose in its bosom from the doubts, contentions, and schisms in which they had been involved. The rest have changed with the mutations of times; for dissent carries within it the seeds of its own dissolution. The Puritans have declined into Unitarians. The Presbyterians of the States are becoming Anabaptists, Socinians, or Churchmen, more than three hundred of their clergy having recently sought episcopal ordination; while toleration or neglect, fashion, or ridicule, have nearly vanquished the Quakers. The Baptists again have separated into an endless variety of sects.† It is not very probable that the Puritans of Massachusetts had agreed upon their form of ecclesiastical government before they left England; but they concurred in their dislike to the ceremonies and doctrines of the Church. Their last act, when embarked and ready for sea, was

\* See Hume, from whom these distinctions have been freely extracted.

† They are thus described by a recent traveler in the Western States. He informs us, "that he saw on one occasion about a thousand men and women in a grove, rolling hoops, flying kites, playing ball, shooting marbles, leaping, running, wrestling, boxing, rolling and tumbling in the grass; the women caressing dolls, and the men astride of sticks for horses, and the whole company intently engaged in all the sports of childhood. At last he ventured to ask what it meant. They told him they professed to be little children, to whom the Lord had promised his kingdom, and affected some surprise that he seemed not to have known that it was written, 'Except ye be converted, and become as little children, ye shall in no case enter the Kingdom of God.' He told them that that was true; that it was very well to imitate the virtues of infancy, but not its foibles; that the Apostle had said: 'In malice be ye children, but in understanding be men;' and this extraordinary conduct was the folly of childhood, without its immaturity to excuse it. 'We are not at all surprised that you think so,' they replied, 'for we are a reproach unto our neighbors, and they of our acquaintance do hide themselves from us; but we are willing to suffer persecution for the kingdom of heaven's sake; for these things are hidden, as it is written, from the wise and prudent, and are revealed unto babes.'"

The reader may see in the histories of the Reformation, and even in D'Aubigné himself, that this sect is the genuine successor of the original Baptist body in Germany, Switzerland, and England, who ran many of them naked, in the pretended innocence of childhood, vociferating through the streets, rolling and tumbling, and affecting all the sports of children, believing that the truth is revealed by the Spirit to babes; throwing the word of God into the fire, exclaiming, says D'Aubigné, "that the letter killeth, but the spirit giveth life."



to send the following circular to the clergy of the Established Church. It is a long document ; but it is such a remarkable piece of insincerity, that it is impossible to rise from its perusal, without feeling that it justified all the doubts that were subsequently entertained of their attachment to the parent state. The only way that it can be accounted for is, by supposing either that they were laboring under conscious terror at the breach of faith they had committed, in surreptitiously removing the charter to America, and feared that they might be pursued and punished, or that they dreaded, from the size of the fleet, and the number of emigrants, if they were constrained, by stress of weather, to put back into an English port, they might be prevented from withdrawing from the kingdom ; but neither expediency on the one hand, nor apprehension from danger on the other, offer any palliation for such a wide departure from the truth :

“ The humble request of his Majesty’s loyal subjects, the governor and company late gone for New England, to the rest of their brethren in and of the Church of England.

“ REVEREND FATHERS AND BRETHREN—The generall rumour of this solemne enterprise, wherein ourselves and others, through the providence of the Almighty, are engaged, as it may spare us the labour of imparting our occasion unto you, so it gives us the more encouragement to strengthen ourselves by the procurement of the prayers and blessings of the Lord’s faithful servants. For which end we are bold to have recourse unto you, as those whom God hath placed nearest his throne of Mercy ; which, as it affords you the more opportunity, so it imposeth the greater bond upon you to intercede for his people in all their straights. We beseech you, therefore, by the mercies of the Lord Jesus, to consider us as your brethern, standing in very great need of your helpe, and earnestly imploring it. And howsoever your character may have met with some occasion of discouragement, through the misreport of our intentions, or through the disaffection, or indiscretion of some of us, or rather amongst us, for we are not of those who dreame of perfection in this world, yet we desire you would be pleased to take notice of the principles and body of our company as those *who esteeme it an honour to call the Church of England from whence we rise, our deare Mother*, and can not part from our native countrie, where she specially resideth, with-

out much sadness of heart, and many tears in our eyes, ever acknowledging that such hope and part as we have obtained in the common salvation, we have received in her bosome, and sucked it from her breast. We leave it not, therefore, as loathing that milk wherewith we were nourished then, but blessing God for the parentage and education, as members of the same body, and shall always rejoice in her good, and unfainedly grieve for any sorrow that shall ever betide her, and while *we have breath*, sincerely desire and indear over the continuance and *abundance of her welfare*, with the enlargement of her bounds in the Kingdom of Christ Jesus.

"Be pleased, therefore, Reverend Fathers and Brethren, to helpe forward this worke now in hand, which if it prosper, you shall be more glorious, howsoever your judgment is with the Lord, and your reward with your God. It is an usual and laudable exercise of your charity to recommend to the prayers of your congregation the necessities and straights of your private neighbours. Doe the like for a Church springing out of your own bowels. What we intreat of you, that are the ministers of God, that we crave at the hands of all the rest of our brethren, that they would at no time forget us in their private solicitations at the throne of Grace. And so commending you to the Grace of God in Christ, we shall ever rest,

Your assured friends and brethren,\*

JO. WINTHORPE, Gov.  
and others.

"From Yarmouth,  
"Aboard the 'Arabella,'  
"April 7th, 1630."

Notwithstanding the affectionate language of this valedictory address, it appears that they knew what measures had been adopted by the first portion of the adventurers, under their agent Endicot, for establishing Congregationalism at Salem, and were fully informed of what the inhabitants of Plymouth had done. In one short month after their arrival, they commenced to lay the foundation of a Church, as dissimilar as possible from that to which they had so recently called God to witness they were so warmly attached. Subsequently their principles were formally

\* Some portion of the address, imploring the prayers of their dear brethren, is omitted.

developed and were distinguished by Mr. Cotton, their leading divine, at Boston.

First. The subject matter of the visible Church, viz., saints by calling. Such as are acquainted with the principles of religion, and who profess their faith, and the manner how they were brought to the knowledge of God, by faith in Christ, either *viva voce*, or else by a public declaration thereof, made by the elders, as it has been delivered to them in private, although if such profession be scandalized by an unchristian conversation, it is not to be regarded. Secondly. The constitutive part of a particular visible Church ought to be a re-stipulation or natural covenantry to walk together in their Christian communion, according to the rule of the Gospel. Thirdly. No Church ought to be of a larger extent, or greater number, than may ordinarily meet together in one place, for the enjoyment of all the same numerical ordinances and celebrating divine worship, nor fewer ordinarily, than may carry on Church work. Fourthly. That there is no jurisdiction to which particular Churches are or ought to be subject, by way of authoritative censure, nor to any other Church power, extrin-sical to such Churches, which they ought to depend upon any other sort of men for the exercise of.

By the three first of these fundamental doctrines voluntary combination was established as the principle of action; by the last total independence of the English, or any other ecclesiastical establishment, was secured. When a sufficient number of persons were gathered together, they of their own free will and accord combined, and formed a church, and by a majority of votes elected and in the same way dismissed their minister. There were regularly two pastors to each congregation; a teacher "to minister a word of knowledge," and another "to minister a word of wisdom," a distinction which soon terminated in the appointment of one only, who was supported in some places by voluntary offerings, and in others by rates; which latter was subsequently adopted and finally enforced by law. They were sometimes designated as "teaching elders" to distinguish them from "ruling elders." The latter were, "ancient, godly, experienced Christians, of lion-like courage when the sound and wholesome doctrines declared by pastor or teacher are spoken against by any one." "There were also deacons," "plain-dealing men endowed with wisdom from above to manage the Church treasury."

The synods were recognized as merely auxiliary bodies of advice ; but were not allowed to exercise any authority or jurisdiction over particular churches, nor pronounce censures or enforce discipline. They were said to be in their own language, "consultative, decisive and declarative, but not co-active," and the union of lay and church members was thought to be typified by Moses and Aaron meeting on the Mount and kissing each other. A miracle (which they ridiculed when claimed by Romanists), attested the divine approbation of such institutions. On one occasion, when they were all assembled, a snake suddenly appeared near the seat occupied by the Elders. Many of them shifted from it, but Mr. Thompson, of Braintree, "a man of much faith," trod upon its head, and so held it with foot and staff till it was killed. "This being so remarkable," says Winthrop, "and nothing falling but by Divine Providence, it is out of doubt, the Lord discovered somewhat of his mind in it. The serpent is the Devil, the synod the representative of the Churches of Christ in New England. The Devil had formerly and lately attempted their disturbance and dissolution ; but their faith in the seed of the woman, overcame him, and crushed his head." But although both the civil and religious bodies severally disclaimed all control over each other, they soon found it convenient to give and receive mutual assistance. As both belonged to the same Church, this reciprocal accommodation, it was thought, would be attended with little or no danger ; while each in its turn derived additional weight from the interchange of protection.

It is not necessary to pursue this subject into detail. Sufficient has been said to show that Church and State were based on republican principles. The intimate connection subsisting between the form of an ecclesiastical establishment, and the political opinions of its members, is manifest to all those acquainted with the practical working of elective institutions. In England, Dissenters almost universally support the Whigs, not from love or respect, but because they are less disposed than the Tories to uphold the Church ; and are more pliable and latitudinarian. In utter ignorance that they owe their safety from persecution, and, indeed, their very existence, to the shelter afforded to them by the Establishment against Popery, they idly suppose if it were prostrated, they would be advanced both in power, wealth, and

station. In like manner the Romanists also coalesce with them ; and notwithstanding the present outcry about Papal aggression, will continue to do so, not only on similar grounds, but on a certain conviction, that if the Church of England be essentially crippled by the State, the only shield to Protestantism in Europe is destroyed, and Popery will not only be again triumphant, but universal.

It is this similarity of object that has effected a political union of action between the two most irreconcilable and impracticable bodies in the world. In nothing, perhaps, is the knowledge, skill, foresight, and untiring perseverance of Rome, or the ignorance and infatuation of Dissent, more conspicuous. Nor is this remarkable elective sympathy confined to England : it is exhibited in every part of the British empire where constitutional government exists.



## BOOK III.

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### CHAPTER I.

Four Great Inter-colonial Wars occur between the English Revolution of 1688 and the Peace of 1763—Cause of the military Character of the People—Extent of the French Territory—Their Claims to extend their Boundaries—Form of Government in Canada—They fraternize with the Indians—Count Frontenac's three Predatory Parties—Treaty of Ryswick—End of first Inter-colonial War—Chief Events of the other three Wars—Canada ceded to Great Britain by Treaty of 1763.

THE period that elapsed between the English revolution of 1688, and the peace of 1763, is memorable for four great inter-colonial wars. A narrative of the various campaigns is better suited to a general history of America, than a political sketch like the present. I do not propose, therefore, to enter into any detailed account of them. The story has often been told, and whatever interest it may once have possessed, the gigantic struggles in which Great Britain, France, and America have been subsequently engaged, have contributed to render it of still less comparative importance. I would gladly pass it over altogether, but some reference is necessary, in order to show the military character of the inhabitants, the resources of the colonies, and the manner in which the people were trained to the use of arms, inured to danger and hardship, and accustomed to that warfare so peculiar to a country but partially cleared of the forest. It was this long continued series of contests with the savage tribes of the northern continent, and the disciplined troops of France, that furnished the revolted provinces with able and experienced officers, converted every husbandman into a soldier, and enabled them subsequently to undertake the bold and difficult task of defending themselves against the armies and fleets of England. The remaining colonies have now nearly the same population as those that revolted; but the people have not had the training of their forefathers; and, beyond all doubt,

neither they, nor the present race of Americans, would be able, however much their passions might be enlisted, to exhibit any such progress, to sustain, with similar steadiness, the shock of regular troops, or effect the same extraordinary results. It was in these campaigns that Washington, and the majority of his efficient officers, took their first lessons in the art of war. To their honor too it must be admitted, that most of the creditable achievements were effected by the provincials alone, or when only slightly assisted by the king's troops, and that success receded from the English armies, in proportion as they assumed the conduct of affairs, or attempted enterprises unaided by colonial forces.

The first inter-colonial war commenced on this continent by an attack, made by a combined force of Indians and French, on the defenseless frontiers in 1690, and continued until the tenth day of December, 1697, when the peace of Ryswick was proclaimed at Boston.\* The territory claimed by the French on this continent confined the English plantations to a strip of land of unequal width on the sea-coast. Asserting the Kennebec to be the boundary between them and Massachusetts, they held the whole eastern coast, Nova Scotia, Cape Breton, St. John (now Prince Edward's Island), Newfoundland, Labrador, and Hudson's Bay, while, on the other hand, they maintained that they were entitled to a moiety of Vermont, to more than half of the province of New York, to the whole valley of the Mississippi, and to Texas, as far as the Rio Bravo del Norte. Knowing their own weakness, they proposed, at the commencement of hostilities, to prolong the peace then subsisting in America; an offer which William promptly rejected. But nothing seemed to be severer in the fortune of the British colonies, than that after they had purchased or conquered their territory, unaided by foreign interference, their peace, which was the natural effect of their exertions, should be subject to be disturbed by the broils of the parent countries; and that after the bravery of their people had relieved them from the natural strength of the Aborigines, they should be destined to be attacked again by their old enemies, inspired and aided by auxiliary forces of Europeans.

The total population of the English colonies, at the commencement of hostilities, might have amounted to two hundred thousand; but half at least of it south of the Delaware, and far re-

\* The treaty was signed on the 1st of September.

moved from the scene of action, took no part in the struggle, beyond voting some small sums for the aid of New York. At a first view of the relative strength of these rival countries, it would appear that the provincials were an overmatch for their Gallic neighbors; but the military enterprise, and ardor of the latter, were aided by a decision natural to the character of the nation, and resulting from the despotism of their monarchy. Their religion, or rather their priests, subserved the cause of their government with all the arts and influence of a system too long devoted more to human than spiritual purposes.\* The rulers of the mother country, and all the colonists, had but one object. No encroachments upon charter privileges, no resistance to the exercise of disputed prerogative, and no division of the Established Church, relaxed the common ardor for the glory of the monarchy. However despotic the government of France might have been in Canada, it was paternal, alike calculated to secure the interests, and win the affections of the people. The administration of its affairs was intrusted to a Governor, an Intendant, and a Royal Council. The former was invested with a great deal of power, which, however, on the side of the crown, was checked by the Intendant, who had the care of the king's rights, and whatever related to the revenue; and on the side of the people, it was restrained by the Royal Council, whose office it was to see that the people were not oppressed by the one, nor defrauded by the other; and they were all checked by the constant and jealous eye, which the government at home kept over them. The officers at all the ports of France were charged,† under the severest penalties, to interrogate all captains of ships, coming from the colonies, concerning the reception they met at the ports they were bound to; how justice was administered, and what charges were imposed on them. The passengers, and even the sailors, were examined upon these heads; and a verbal process of the whole was formed, and transmitted with all speed to the Admiralty. Complaints were encouraged, but a difference was made between hearing an accusation, and condemning upon it. Unlike the practice in the British provinces at that time, the salaries of all the officers were defrayed from the treasury of France. The local authorities derived great strength, in addition to a complete control of the people, from the affections of the

\* Minot.

† British Settlements in America.

savages, whose character they understood, and whose regard they knew how to win, better than the English. They were fraternized by an assimilation of manners, of families, and of worship. When the French planted a military post, it was not merely by a garrison, but they naturalized the place by a domestic neighborhood, and a numerous population. This mixture with the natives gave them an ascendancy in their councils and enterprises. When they levied war, they drew down the savage tribe upon the frontier of the enemy ; and after exercising their usual barbarities, commonly retreated too soon for successful pursuit.

The English Provincials were soon made sensible of the evils resulting from the unwise rejection of neutrality by the king. Count Frontenac, who had recently returned from France, with reinforcements, dispatched three marauding parties to fall upon the defenseless frontiers, and their unsuspecting inhabitants. As it is not my intention to enter into any details of these wars, I shall here describe the havoc committed by their detachments, in order to convey to the reader some idea of the barbarous and horrible warfare carried on by the colonies of the two most enlightened nations in the world.

The first party consisted of one hundred and fifty savages and traders, guided, says Hildreth, by the water-courses, whose frozen surface furnished them a path. They traversed a wooded wilderness covered with deep snows. Pressing stealthily forward, in a single file, the foremost wore snow shoes, and so beat a track for the rest. At night the snow was thrown up toward the side, whence the wind came ; and in the hollow trees scooped out, they slept on branches of pine, with a fire in the midst. A little parched corn served them for provisions, eked out by such game as they killed. After a twenty-two days' march, intent on their bloody purpose, they approached Schenectady, the object of their toil. This was a Dutch village on the Mohawk, then the outpost of the settlements about Albany. A cluster of some forty houses was protected by a palisade, but the gates were open and unguarded, and, at midnight, the inhabitants slept profoundly. The assailants entered in silence, divided themselves into several parties, and giving the signal by the terrible war-whoop, commenced the attack. Sixty were slain on the spot, twenty-seven were taken prisoners, and the rest fled, half naked, along the road to Albany, through a driving storm of sleet and deep snow, and cold



so bitter that many lost their limbs by frost. The assailants set off for Canada with their prisoners and their plunder, and effected their escape, though not without severe loss, inflicted by some Mohawk warriors, who hastened to pursue them.

Another party, consisting of fifty-two persons, of whom twenty-five were Indians, departing from Three Rivers, a village, half-way from Montreal to Quebec, ascended the St. Francis, entered the valley of the Upper Connecticut, and thence made their way across the mountains and forests of New Hampshire. Presently they descended on Salmon Falls, a frontier village, on the chief branch of the Piscataqua, and killed about thirty of the bravest of the inhabitants. The rest, to the number of fifty-four, principally women and children, surrendered at discretion.

The Sieur Hertel, who commanded this expedition, met, on his way homeward, a third party, which had marched from Quebec, and, joining his company to it, he attacked and destroyed the fort of Casco. This latter place was so situated as to be overlooked from a rock, that was near it, from which the Indians galled the garrison to such a degree, that the next day it capitulated on terms which were kept with Indian faith, some of the men being butchered, and the others carried away captive. The people of New England, to rid themselves of such troublesome neighbors, conceived the bold idea of taking Quebec, and accordingly a considerable fleet and armament was sent up the St. Lawrence, for this purpose; but it was an ill-concerted plan, intrusted to incompetent persons, and unhappily failed.

The loss of the fort of Pemaquid, and the capture of Port Royal (now Annapolis) in Nova Scotia, with numerous petty, but murderous inroads, in which liberal use of fire and sword was made by both parties, occupied the attention of the combatants during the remainder of the war; both the English and French Provincials being left to their own resources in consequence of the great struggle that was going on in Europe. The most remarkable of these incursions was one made by Frontenac from Canada, in order to chastise the savages dwelling in the rear of New York, who were in the interest of the English, and served as a shield to protect them from the French. After indescribable labor and fatigue, they surmounted all the difficulties presented by an interminable forest, deep snow, and severe cold, and surprised the Mohawk villages near Albany, and carried off in chains three



hundred of their warriors, although a prompt and vigorous pursuit caused them some loss both of their own men and their captives.

The Treaty of Ryswick put a temporary stop to these cruel hostilities, and the colonists had some repose from the incessant vigilance which the nature of the warfare and character of their opponents demanded. By the seventh article, it was agreed that mutual restitution should be made of all captured forts, countries, and colonies; while an enormous expense was entailed on France, England, and the provinces in America.

The second inter-colonial war commenced in 1702, and was terminated by the Treaty of Utrecht, on the 30th of March, 1713. Peace was scarcely proclaimed when the defects of the Treaty of Ryswick became apparent to all. The French continued their old or commenced new encroachments, intrigued with the Indians, and occupied themselves in preparing for another conflict, which they knew to be inevitable. Their movements were viewed with great jealousy and alarm by both New York and Massachusetts, upon whom the whole brunt of hostilities would inevitably fall; while the other colonies, shielded by them, neither felt for their sufferings nor contributed to their defense. The impossibility of combining twelve distinct and independent provinces in one common system of defense, or attack, had been so often represented to the late king, that the whole subject was now referred to the Council of the Colonies, who reported that "they had employed much time in promoting domestic industry, in urging foreign enterprise, and much attention in corresponding with the governors of colonies, in perusing acts of Assembly, and in giving energy to the laws of navigation, which it had been so difficult to enforce." For several years after, both Houses of Parliament demanded, what was regularly furnished by the Board, a general statement of the national commerce, in order to discover whether it prospered or declined. The disorders and the consequent weakness of the plantations, owing less to the pressure of a too potent enemy than to the impossibility of procuring the concurrence of twelve democratical conventions in any common measure, who, being all independent of each other, were actuated by dissimilar designs, had been so often represented to the Ministers, as at length to engage attention. That respectable commission having considered the whole matter with the utmost care, stated to the Lords

Justices, in September, 1696, during the king's absence, "that in those settlements there was force enough to repel the neighboring French; but they are so disunited in interests, that they have hitherto afforded little assistance to each other, and show a worse disposition to do it in future. Nor can it be imagined that the English there should think it much to employ their own hands and purses in defense of their own estates, lives, and families, yet should expect to be wholly supported from England, which hath spent so much blood and treasure in the carrying on of so lasting a war; that by reason of the various independent governments, they could not perceive how it is possible to preserve those provinces, unless his Majesty shall appoint a captain-general of all his forces, and of the militia of all the colonies, with power to levy and command them for their defense. That considering it would be impossible for the planters to remain in that country if the neighboring Indians should once be gained over to the French, it will be very expedient to secure the tribes by every encouragement, giving them rewards for all execution done by them on the enemy, and the scalps they bring in be well paid for."

This judicious advice, though approved, was unhappily not acted upon. The attention of politicians was engrossed by more favorite, because more personal schemes. One of the first acts of Queen Anne was to declare war against France, and to send artillery, small arms, and military stores to the colonists, with injunctions to aid and assist each other. The horrid scenes already described were re-enacted, with more barbarity, because each party had injuries to avenge, and had lost relations whose death was to be atoned for in blood.

We shall not pursue the subject into detail. During the ten years it continued, the forces of Massachusetts swept the coast from the Piscataqua to Nova Scotia with five hundred and fifty men, taking the town of Menis in 1704; and in three years afterward one thousand men were transported to capture Port Royal, and made two unsuccessful attempts upon it. In the year 1710 the province furnished two complete regiments, with the necessary shipping, in aid of the squadron and army who captured that place.

The principal incident of the war was an expedition for the conquest of Canada. In June, 1711, a large fleet, consisting of fifteen ships of war, with forty transports, having on board five

veteran regiments of Marlborough's army, arrived at Boston, where they were detained more than a month, waiting for provisions and colonial auxiliaries. Massachusetts furnished £40,000 to aid the enterprise, New York £10,000, and Pennsylvania, under the Quaker evasion of a present to the Queen, contributed £2,000. Fifteen hundred troops, furnished by Connecticut, New York, and New Jersey, were assembled at Albany, and placed under the command of Governor Nicholson, who was soon after joined by eight hundred Indian warriors, which combined force was destined to make an attack on Montreal, while the fleet was to attempt the capture of Quebec. The naval expedition failed, owing to the mismanagement and ignorance of Admiral Walker, who lost eight of his transports and a thousand men in the *St. Lawrence*; after which he sent home the Massachusetts vessels with their troops, and returned immediately to England, where he endeavored to exculpate himself by throwing the whole blame on the Provincials. This unexpected disaster frustrated the hopes of the forces destined for the land attack; and the provinces were left to count the cost of these heavy charges, and digest as they could, the imputation on their conduct and courage, so ungenerously made by the naval commander.

Small as these armaments now seem, the expense was severely felt at the time by a people who were greatly impoverished by continued hostilities. In the capture of Port Royal, in 1710, Massachusetts, as we have already seen, furnished two entire regiments with the necessary shipping for their conveyance, and supplied Admiral Walker with ten weeks' provision for the forces under his command. During one summer, one-fifth of the whole population capable of bearing arms, were under pay; and it is computed that she had lost between five and six thousand able-bodied young men.

The Treaty of Utrecht was signed on the 30th of March, 1713. Unlike that of Ryswick, which was based on a general restitution, it secured to England, Acadia (Nova Scotia), according to its ancient limits; the fur trade of Hudson's Bay, the whole of Newfoundland, with certain reservations, as to a participation in the fisheries, and the French part of St. Kitt's, in the West Indies; and acknowledged the English sovereignty, hitherto disputed, over the five nations of Indians inhabiting the territory bordering on New York.

Although dispersed over an immense surface, the population of the colonies was so great, as to make them feared equally by the French, who could make but little impression upon them; and by the English, who could not command their obedience. In the quarter of a century, from the Revolution of 1688, to the accession of the House of Hanover, their population had doubled. A public document prepared for the Board of Trade, gives the following returns :

Whites.	Negroes.	Total.
375,750	58,850	434,600

The immigration into the colonies since 1690—a period of twenty-five years—had been inconsiderable, consisting principally of negro slaves, and of Irish and German indented servants. The great majority of the present inhabitants were natives of America.

The third inter-colonial war commenced in 1743, and was brought to a close by the Treaty of Aix-la-Chapelle, on the 7th of October, 1748. The first information received of it was brought by some fugitives from Casco, which place had been captured by the French of Louisburg, in Cape Breton, and by messengers from Annapolis, stating that the place was invested by a large force headed by a priest. Relief was promptly yielded, but no sooner had the fleet sailed for Boston, than the same ecclesiastic made a second attack, that required the garrison to be so strengthened, as to be beyond the reach of any thing but ships of war or a large body of regular troops.

Louisburg, which the French had fortified at a prodigious expense, was now by far the strongest post north of the Gulf of Mexico, and at the same time was situated in the most important position. It commanded the entrance to the Gulf of St. Lawrence, secured a monopoly of the fisheries, furnished in abundance the requisite supplies for the West Indies, afforded shelter and repairs for the French fleet, and was so conveniently situated for privateers, that the English commerce was almost annihilated. Some prisoners, who returned from thence on parole, suggested the idea, that a sudden, bold, and vigorous attack upon it, if attempted at once, would probably prove successful. The proposal was approved by the governor, and submitted to the Legislature; but so formidable did the undertaking appear, that the measure was only carried by a majority of one vote. A circular, asking



assistance and co-operation, was sent to the other colonies, some of whom responded to the call, and contributed more or less, according to the interest they had in navigation. Pennsylvania, which was always distinguished for tender conscience, would not raise troops for so wicked a purpose as to kill their fellow beings, but gave two thousand pounds to purchase provisions for them, lest, peradventure, they might die of famine as well as by the sword. Whitfield, then preaching in America, gave his influence in favor of the expedition, and suggested as a motto for the flag of the New Hampshire regiment, "*Nil desperandum Christo duce.*" The enterprise, under such auspices, assumed something of the character of an anti-Catholic crusade, and one of the chaplains carried a hatchet for the purpose of hewing down the images in the French churches.

The forces employed by Massachusetts to reduce the island of Cape Breton, consisted of upwards of three thousand two hundred of their own men, who were aided by five hundred from Connecticut, and three hundred from New Hampshire. In addition to these, three hundred arrived from Rhode Island, but not until the enemy had surrendered. Ten vessels of which the two largest carried only twenty guns each, with the armed sloops of Connecticut and Rhode Island as cruisers, constituted the whole naval force, until the arrival of the troops at Casco, where they were joined by a squadron of the king's ships, under Admiral Warren.

The men embarked on the 24th day of March, 1745, and being landed on the island of Cape Breton on the 30th of April, the operations were continued against Louisburg until the 17th of June following, when it was surrendered. The New England forces lost only one hundred and one men, killed by the enemy and accidental causes, and about thirty, who died of sickness; while the French were supposed to have lost three hundred, who were killed within their walls. The strength of Louisburg, which was regularly fortified and garrisoned by six hundred and fifty veteran troops, and one thousand three hundred effective men of the inhabitants, and the relative consequence of the island, as affecting the other settlements of the contending powers, places this voluntary enterprise of New England in an important point of view.

The capitulation was no sooner signed, than the admiral, whose blunders had, in the first instance, retarded the operations,



with that assumption which has ever distinguished both branches of the service, when associated with colonists, claimed the whole merit of the achievement. England, with her wonted liberality settled the dispute between the rival commanders, by rewarding both. Elated by their success, the Provincials now offered to undertake the conquest of Canada; but the Duke of Bedford, to whom Governor Shirley's plan had been submitted, disapproved of it, as exhibiting to the colonists too plainly their own strength. He represented "how imprudent it would be to send twenty thousand colonists to plunder the Canadians, and conquer their lands (after the experience we have had of their conduct and principles), on account of the independence it might create in those provinces, when they shall see within themselves so great an army, possessed of so great a country by right of conquest." He therefore advised to place the chief dependence on the fleet and army to be sent from England, and to look on the Americans as useful only when joined with others. Finally, the Whigs determined to send a powerful fleet to Quebec, at the same time that an army should attack Montreal, by the route of Lake Champlain; and so late as April, 1746, orders were issued to the several governors to levy troops without limitation, which, when assembled on the frontiers, the king would pay.

From some unknown cause, the plan was abandoned as soon as formed. The general appointed to the chief command was ordered not to embark, but the instructions to enlist troops had been transmitted to America, and were acted on with alacrity. Massachusetts raised three thousand five hundred men, to co-operate with the fleet, which, however, they were doomed never to see.

After being kept a long time in suspense, they were dispersed, in several places, to strengthen garrisons which were supposed to be too weak for the defenses assigned them. Upward of three thousand men, belonging to other colonies, were assembled at Albany, undisciplined, without a commissariat, and under no control. After the season for active operations was allowed to pass away, they disbanded themselves, some with arms in their hands demanding pay of their governors, and others suing their captains. In addition to this disgraceful affair, the Provincials had the mortification to have a large detachment of their men cut off in Lower Horton, then known as Minas, situated nearly in the centre of Nova Scotia.

The Canadian forces, which had traveled thither to co-operate with an immense fleet expected from France, determining to winter in that province, rendered it a subject of continued anxiety and expense to Massachusetts. Governor Shirley resolved, after again reinforcing the garrison at Annapolis, to drive them from the shores of Minas Basin, where they were seated; and in the winter of the year 1746, a body of troops was embarked at Boston for the former place. After the loss of a transport, and the greatest part of the soldiers on board, the troops arrived, and re-embarked for Grand Pré in the district of Minas, in the latter end of December; when the rigor of the climate might have been supposed to have operated as a guard against an attack. The issue was, that being cantoned at too great distances from each other, La Corne, a commander of the French, having intelligence of their situation, forced a march from Schiegnieto, through a most tempestuous snow-storm, and surprised them at midnight. After losing one hundred and sixty of their men, in killed, wounded and prisoners, the party were obliged to capitulate, not, however, on dishonorable terms, and the French, in their turn, abandoned their post.

On the 8th of May, 1749, peace was proclaimed at Boston, much to the mortification of the Provincials; Cape Breton was restored to France; and Louisburg, which had created so much dread, and inflicted such injuries on their commerce, was handed over to their inveterate enemies, to be rendered still stronger by additional fortifications. The French also obtained the islands of St. Pierre and Michelon, on the south coast of Newfoundland as stations for their fisheries. England, with her wonted munificence, as an indemnity for the expense incurred by the Provincials in taking Louisburg, paid them the sum of £183,000, and also reimbursed the colonies for the losses sustained in raising troops for invading Canada, under orders subsequently revoked, amounting to £135,000.

The fourth, last, and by far the most important inter-colonial war, though not formally declared, commenced by hostilities in America, early in the year 1754, and terminated on the 10th of February, 1763. The peace, so far from restoring amicable relations between England and France, was used by the latter in preparing for another struggle. The Indians were incited to hostilities in all quarters, and especially in Nova Scotia, where

the inhabitants of the infant settlement at Halifax were exposed to every species of injury and insult. Throughout the whole of that territory that stretches from the St. Lawrence to the Mississippi, and lies in the rear of the continental colonies, the Governor of Canada erected about twenty fortified posts, to secure the country he had encroached upon. In 1672, one was built on the north entrance of Lake Ontario, and another, in the following year, at Michilimackinac. In 1684, a very respectable fortification was completed at Niagara, and another in the same strait in the year 1720. The passage between Lake Erie and Huron was secured by a fort, in 1683, the navigation of Lake Michigan was defended by one on each side of it, and that of the River Toronto by another, on its eastern confines. Three more, with an entrenched town and a citadel, were completed at Crown Point, at Champlain, and Richelieu, while many settlements were made between the Iroquois River and Montreal, which with seven villages within the disputed bounds of Massachusetts, might have contained about thirty parish churches.

The French having taken several English traders within this region thus usurped by them, and confiscated their goods, sent them prisoners to Canada; and the Indians in their alliance, having murdered several provincial settlers on the same ground, Lieutenant-governor Dinwiddie of Virginia, sent Washington to the commander of their forces on the Ohio, to inquire into the reasons of these injurious proceedings. The answer given to him was such as might have been expected: "That it was French territory." A fort was then erected by the Virginians, to check the progress of the enemy, at the Forks of the Monongahela. This on the 17th of April, was taken by a force consisting of upward of six hundred men, and eighteen pieces of cannon, the garrison being permitted to retire. On the 25th of the same month, Colonel Washington, since so well known throughout the civilized world, took a small party who were approaching him, under the command of Captain Digonville; but on the 3d of July, being surrounded by vastly superior numbers, after a manly resistance from eleven o'clock in the forenoon to eight in the evening, he was obliged to capitulate. Thus were hostilities decidedly commenced on the continent of America, and all the colonies were once more involved in the horrors of war.

Four operations were undertaken at the same time by the

British and Provincial forces; of these one was commanded by Colonel Monekton who had orders to drive the French from their encroachments upon Nova Scotia. The second, more to the south, was directed against Crown Point, under the command of General Johnson. The third, under the conduct of General Shirley, was destined to proceed to Niagara, to secure the forts on that river; and the fourth, further southward still, under General Braddock was ordered to reduce Fort Quesne.

The first was successful. The troops were raised in Massachusetts Bay, and acted as a distinct body under their own officers, with a promise of the same pay, and treatment in every respect as others in the same service with them. They embarked at Boston on the 20th of May, and arrived at the basin of Annapolis Royal on the 25th, whence they sailed on the first of June, in a fleet of forty-one vessels, to Chignecto, and anchored about five miles from Fort Lawrence. On the 4th, being joined by about three hundred regulars, with a small train of artillery, they marched for the French fort, Beau Sejour. On the 16th, the enemy surrendered, being allowed to march out with the honors of war, and to be transported with their effects to Louisburg, at the expense of the King of Great Britain, on condition of not bearing arms for six months. The Fort of Gaspereau of necessity surrendered, after that of Beau Sejour, and was allowed the same terms. The name of the latter was changed to Cumberland.

Braddock, who commanded the expedition against Fort du Quesne, suffered a shameful defeat. He was repeatedly warned that the nature of the country, and the warfare he was engaged in, required the utmost caution. He was advised to send forward the Provincial troops that served in his army, consisting of independent and ranging companies, to scour the woods, and guard against an ambuscade; but he thought too contemptuously both of the enemy and the colonists, to follow that judicious recommendation. The consequence was, he fell into an ambush when within seven miles of the fort. His army was totally routed, and sixty-four officers and about one half of the men were killed or wounded. The Provincials were formed under Colonel Washington, and covered the retreat of the fugitives.

General Johnston, though unable to attempt Crown Point, revived the drooping spirits of the people, by repulsing the Baron



Dieskau and a large force, after a hard and well-contested fight. General Shirley, from a variety of causes, was unable to take offensive measures, until the season for action had passed, and the general result of the war so far was both disastrous and discouraging.

The reasons why so little was effected, where so much was confidently expected, are to be sought for in the dissimilar forms of government of twelve provinces, and in the want of some controlling power to establish the quota of men to be furnished by each—the absence of a common treasury, and the right exercised by every province to interfere in the management of their contingents, as to the time of their marching, the objects of their destination, and their supplies. Another great cause of disgust, insubordination, and want of union, arose from the invidious distinction made between the king's troops and the Provincials. By an act of Parliament, the general or field-officers who served by commission from the king, and a captain and other inferior officers of the British forces, in all duties, took post of the Provincial officers of like rank, though their commissions were of older date; and what must have operated most unfavorably in this respect was, that the appointment of officers among the regular troops was extended to Americans so grudgingly, as so make it evident that they were no further rewarded by commissions, than the enlisting of men made it absolutely necessary. This impolicy alienated the feelings of many deserving and well affected colonists.

The campaign of 1756, from the operations of some or all of these causes, was as unsuccessful as that in 1755. It terminated with the loss of the fort at Owego, and abandonment, after immense toil and expense, of the expedition against Crown Point, the soldiers being ingloriously employed in defensive measures for their own safety. That of the following year, 1757, was still more humiliating; the loss of Fort William Henry, garrisoned by nearly three thousand regular troops, filled the country with despondency, and the breach of the capitulation by the French, whereby the prisoners were all pillaged, and many butchered in cold blood, was long the theme of indignant reproach. The year 1758 opened with better prospects, and is distinguished for the capture of Louisburg. A very powerful armament, consisting of twenty ships of the line, and eighteen frigates, having on board fourteen hundred men, under the command of Admiral Boscawen and General Amherst, appeared before that place on the 2d of



June, and on the 25th of July it surrendered. Fort Frontenac was also taken by a body of three thousand Provincials, aided by regulars; and the French, after a severe encounter with part of General Forbes's army, evacuated Fort de Quesne on the Ohio.

Ticonderoga, the great object of New England's efforts, still remained to scourge the country, and it was resolved forthwith to attack it. This attempt, however, proved unsuccessful, and occasioned a loss of sixteen hundred and eight rank and file of the regulars, among whom was Lord Viscount Howe, and three hundred and thirty-four Provincials. To put an end to this ruinous contest, three great expeditions were undertaken: General Amherst, with a body of twelve thousand men, was to attack Crown Point; General Wolf was, at the opposite quarter, to enter the St. Lawrence, and undertake the siege of Quebec, while Generals Johnson and Prideaux were to attempt the reduction of the French forts, near the Falls of Niagara.

It was late in July before General Amherst reached Ticonderoga; on his approach, the French blew up the magazine, evacuated the fort, and retreated to Crown Point, whither he immediately pursued them. But they retired, and took post at Isle aux Noix, at the northern extremity of Lake Champlain. As the season was so far advanced, he returned to Crown Point, and put his troops in winter quarters.

The expedition, under Generals Prideaux and Johnson, against Fort Niagara, was crowned with complete success. A large force, collected from all the neighboring garrisons, was assembled for the purpose of raising the siege, for the French justly considered that post as the key to all their interior American empire. These troops were gallantly repulsed, in view of the besieged, who, discouraged by having all succor cut off, surrendered as prisoners of war.

While these successful operations were carried on in Upper Canada, General Wolfe was prosecuting the grand enterprise for the reduction of Quebec. Of the ascent of the heights of Abraham, the battle that ensued, the death of Wolfe and Montcalm, the fall of Quebec, and the subsequent conquest of Canada, every history, both American and English, contains a copious account. To abridge it would be to deprive it of its interest, and to enter upon it at large, is inconsistent with the nature of this work. Bald and scanty as the narrative I have given must necessarily

be, it is copious enough to exhibit the military character of the colonists, and the school in which they were trained to a knowledge of actual service. Any thing beyond this I have omitted, as incompatible with the plan of a book that professes not to be a history, but a political sketch.

On the 10th of February, 1763, a definitive treaty of peace was signed at Paris, and soon after ratified. By the second article, France renounced and guaranteed to Great Britain all Nova Scotia or Acadia, and likewise Canada, the Isle of Cape Breton, and all other islands in the Gulf and River of St. Lawrence.

## CHAPTER II.

### SKETCH OF POLITICAL EVENTS FROM 1698 TO 1710.

Arrival of Sir William Phipps—Difference between Old and New Charters—Spirit of first Legislation—Determination to Establish no permanent Salaries—Formation of two Parties, Loyalists and Patriots—Character and Death of Phipps—New York imitates the Conduct of New England—Refusal of Militia of Connecticut to obey the King's Officer—Board of Trade established—Courts of Admiralty created—Oath framed for Governors to enforce Trade Acts—Arrival of Lord Bellemont—His Character and Conduct—Appointment of Mr. Dudley—His Unpopularity—The Assembly deny his Right to Negative their Choice of Speaker, and refuse to comply with any of the Royal Instructions—Insinuations against the Governor that he was holding treasonable Correspondence with the Enemy—He is attacked by the Preachers—Appointment of Colonel Chute—Opposition of Assembly—Appointment and Death of Governor Burnet—Arrival of Governor Belcher—End of Contest about fixed Salaries.

On the 14th of May, 1692, Sir William Phipps arrived at Boston, with the new charter, and a commission, appointing him Governor of the colony. The people were not a little surprised to find, that the patent which had caused them so much apprehension, was more favorable than they expected; but liberal as it was, there was a very large party in the colony averse from receiving it, hoping that by showing a bold front, and determined opposition, they might extort a renewal of the old one.

Warned by past experience of the danger of permitting any sect to indulge intolerance, a clause was introduced into it by the crown officers, allowing liberty of conscience in the worship of God to all Christians excepting Papists; appeals to the King and Council were supported in all personal actions above three hundred pounds sterling in value; and the exercise of Admiralty jurisdiction was reserved to the Crown. But the great restraint laid upon the province consisted in the appointment of the Governor, Lieutenant-governor, and Secretary by the king; in investing his representative with a negative upon all laws and elections made by the Council and House of Representatives; and subjecting the laws, even when thus sanctioned, to rejection by the king, within the term of three years. The Governor was also authorized to call an Assembly whenever he saw proper, and to adjourn,

prorogue, and dissolve it at pleasure. No act of the Legislature was to have any validity without his assent. The appointment of all military officers was vested in him solely, and he had concurrent authority with the Council in filling every situation in Courts of Justice ; their civil officers were to be chosen by the two Houses, subject to his negative ; and no money could be paid out of the treasury, but by his warrant.

Besides these changes, the differences between the old and new charter consisted in an express authority for exercising powers which had been in constant use from necessary implication : these were the privileges of a House of Representatives as a branch of the Legislature, the levying of taxes, and creating courts for the trial of capital crimes. The probate of wills, and granting administration on intestate estates, were expressly given to the Governor and Council. While the privileges of the people were thus diminished, the territory of the province was enlarged. The colony of New Plymouth, the province of Maine, and the county of Nova Scotia, with the lands between the two latter, were joined to Massachusetts, and formed an extensive tract of not less than eight hundred miles in length. Out of this extensive domain, the only new reservations made were the timber suitable for masts for the Royal Navy, and grants of land between the River Sagadahock and the Gulf and River of St. Lawrence, which were not to be valid without the king's approbation.

The jealousy always felt of royalty showed itself at once on the first exercise of prerogative rights under the charter. Advantage was taken of the ignorance of the governor by the Council, to assume to themselves the appointment of sheriffs, justices, and other similar officers. An act was passed at the same time, to continue in full force, until formally repealed, all the old laws of the colony in existence when the second charter issued ; by which, had not the design been discovered and frustrated in England, the law enforcing the ecclesiastical discipline of the Congregationalists, and authorizing the levying taxes for their support, would have been re-enacted ; and as no refusal could have been procured without the consent of the Lower House, it would have either remained forever on the Statute Book, or caused some legislative action in Parliament. Another contemporaneous act clearly evinces the spirit of the people. It was a sort of Magna Charta (from which, indeed, many of its clauses were copied),

and recited at length their various rights and privileges ; among others they failed not to insist upon the following : " No aid, tax, tallage, assessment, custom, loan, benevolence, or imposition whatever, shall be laid, assessed, imposed, or levied, on any of their Majesty's subjects or estates, on any pretense whatsoever, but by the aid and consent of the Governor, Council, and Representatives of the people assembled in General Court." This law, on the advice of Lord Chief Justice Holt, was disallowed by the king, because it contained what none of his predecessors had ever conferred. A criminal code was also compiled, and passed by the Legislature, that was in the same manner disapproved, since it was thought to have been borrowed too much from the Jewish system to be consistent with the jurisprudence of England. Another law, " for securing the liberty of the subject," by extending the Habeas Corpus Act, was rejected, as Somers and other Whigs insisted it had not yet been extended to the colonies. Few of the acts of that session, had the good fortune to please the statesmen of England, since they thought it of importance to oppose the progress of any innovation.

In the first House convened under the new charter, a broad line of demarkation was observable among the representatives ; the friends of British connection and Loyalists on the one hand, honest Republicans, unprincipled demagogues, and bigoted sectarians on the other. Such as were for limiting the prerogative, securing the dependence of the governor, and maintaining the supremacy of the colonial Legislature, naturally won the hearts of the people, and received their confidence in proportion to their zeal ; while those who thought rights and duties reciprocal, saw no danger in a limited monarchy, and were attached from principle and feeling to the parent country, subjected themselves to the reproach of cowardice, obsequiousness, and self-interested motives.

To the same period may be traced that favorite but fatal policy of the Home Government, of attempting to conciliate those in opposition, at the expense of the feelings, the rights, and just claims of its true friends ; of refusing reasonable concessions, until compelled by popular movement to grant more than was at first demanded, whereby the grace of justice or liberality was merged in the triumph of a forced surrender, and of treating both classes with an indifference or contempt, that aroused the implacable



anger of the one, and damped the ardor, and chilled the affections of the other. Republican disloyalty can never be softened or won by kindness, which it always ascribes to weakness, or demands as a right; though it may be strengthened by ineffectual resistance, or the withdrawal of salutary restraints: and the most devoted loyalty will perish at last, under injuries or neglect. There is a rectitude and majesty in justice that makes it respected by all; and every class is equally entitled to share in its benefits. When it is duly administered, none have a right to complain; but when that duty is once performed, long tried friendships and faithful services have the first claim upon a grateful remembrance, and should receive the countenance and reward to which they are entitled. To buy off our enemies is a fatal policy; it adds to their resources in the same proportion that it weakens our own, and necessarily leads to new and insolent demands. It is better to arm and discipline our friends, and resist aggression at once, as promptitude and energy may crush it forever. But to give rebels the advantage of a fair struggle in the field, and when they are defeated, to remunerate them for the losses they have sustained, as was recently the case in Canada, exposes a government to the grief or indignation of its friends, and the inexpressible ridicule or contempt of its enemies.

Besides the formation of the two parties, loyalists and patriots, above referred to, whose descendants still distract the remaining colonies with their contentions, the short administration of Sir William Phipps contains one or two instructive lessons, as to the effect of the previous republicanism upon the people. The appointment of a governor by the Crown, was the most obnoxious part of the charter, and although Phipps was a native, and a favorite of the Puritan divines, the Mathers, who in fact elected him themselves for the office, he was made to feel that in accepting it, he ceased to be regarded as a colonist. Among the associated agents, who had negotiated with the British Government for the new patent, was a violent republican of the name of Cook, who advocated obstruction on all occasions to the king's representative; "as the appointment of an obnoxious ruler," he remarked, "would make the people rise," a memorable saying, which made a powerful impression on the public mind. He also counseled them, "to establish no officer's salary, and to perpetuate no public revenue," advice which was found too serviceable to thei

cause to be neglected for a moment. It soon became a settled maxim of colonial policy, and was adopted throughout the provinces. They now no longer feared the English, as the charter had confirmed so many of their usurpations, but they heartily despised them ; for such was the venality of the Whigs, that provincial politicians made no scruple of openly asserting " that any thing could be obtained at Whitehall for money."

So far as Phipps was concerned, he found his commission a service productive of no emolument, but of great labor and responsibility. How widely different is the situation of governor now. They have arrived at the other extreme, having large salaries, and nothing whatever to do, but to affix their signatures to the acts of their executives. Phipps could never prevail upon them to establish a salary for him, although they gave him a gratuity, to make him feel his dependence, and to induce him to connive at their usurpations, and their evasions of the laws of trade. In obstructing the custom house officers, he committed acts that occasioned his recall. He was a man of mean extraction, vulgar manners, and little or no education ; his early years having been spent in the hardy occupation of a shepherd, on the bleak and barren hills of his native land, in Maine ; and his frame subsequently strengthened by the laborious employment of a ship-carpenter in Boston. Having accidentally discovered the wreck of a Spanish treasure-ship, he allured King James into a joint adventure for searching for the cargo. A frigate was accordingly placed at his disposal by the Governor of Jamaica, and his divers were so expert, that he fished up several thousand pounds' worth of gold. The king was astonished and delighted with his successful speculation, and in return for his large share of the profits, honored him with knighthood, and a patronage that in a subsequent reign procured for him the government of the colony. The manners of early life, however, are neither ameliorated nor obliterated by the sudden acquisition of wealth ; and as his arm was more powerful than his reason, he never failed to resort to its use to enforce his arguments or his orders upon his subordinate officers. His attacks on his enemies, as a military man, were less successful than his assaults on his officials in the street, in which his victories, by exciting complaints, compelled him to go to England, to vindicate his conduct. He died soon after his arrival, or his name would doubtless have been found in the long list of colonial

rulers, to which I have already alluded, whose unfitness for governing has presented no obstacle to their preferment.

The Legislature of New York followed in the footsteps of Massachusetts, so contagious is bad example, and passed an act, declaring its inalienable rights, &c., which met with a similar reception in England, and was disallowed. At the same time a similar scene took place in Connecticut, that exhibits in a very striking light the determination of the people to submit to no interference whatever. For the purpose of insuring more unity of action in the event of invasion, Governor Fletcher, of New York, was vested with plenary powers of commanding the whole militia of Connecticut, and insisted on the exercise of that command; the Legislature, knowing that authority to be expressly given to the colony by charter, would not submit to his requisition, but desirous of effecting a compromise, sent an agent to New York to make an arrangement, until his Majesty's pleasure should be further known. No terms, however, could be made with the governor, short of an implicit obedience of the militia to his authority. On the 26th of October, he came to Hartford, while the Assembly was sitting, and in his Majesty's name demanded submission. The Assembly resolutely persisted in a refusal. After the requisition had been repeatedly made, with plausible explanations, and serious menaces, Fletcher ordered his commission and instructions to be read to the train-bands of Hartford, which had prudently assembled on the occasion. Wadsworth, the senior officer, who was at that moment exercising them, instantly ordered the drums to beat, which in a moment overwhelmed every voice; the governor then commanded silence, but no sooner was a second attempt made to read, than Wadsworth vociferated the same order to the drummers, who instantly beat up again with redoubled energy. At the first pause he called out again: "Drum, drum," and turning to his Excellency, said: "If I am interrupted again, sir, I will make the sun shine through you in a moment." To avoid personal outrage he was obliged to return to New York, when, to his infinite mortification, he was soon after informed, by the crown lawyers of England, that the control of the militia legally belonged to the colony, as Charles II. had divested himself, by his reckless grant, of every particle of authority whatever.

The effects of the recent political changes in England were

visible all over the Anglo-American continent. In addition to the instances of intractability, just referred to, even Pennsylvania, though opposed to carnal, was willing to indulge in political conflicts, and bartered her money for the support of government, "on the express condition of settling the people in their former constitution." Maryland, more obedient than many others, still resolved, "that the great charter of England should be observed in all points." Two new doctrines were promulgated, and found willing advocates every where, one (which originated with a Puritan minister of Boston) was: "That they were not bound in conscience to obey English laws, as they were not represented in Parliament:" the other was: "That colonists were as much Englishmen, as the inhabitants of that country; and therefore had a right to all the same privileges."

The misconduct of Phipps and other governors, in conniving at the evasion of the laws of trade, brought about at this period some very important changes. Complaints were constantly made to the ministry by governors who were unable to execute their orders, and by merchants whose commerce was injured by the total disregard of the colonists to the Navigation Acts. "During the war," says Davenant, "the colonies have presumed, as it were, to set up for themselves, and to load their effects on board of ships belonging to foreigners, and to trade directly with other nations; sending them their commodities, and receiving from thence manufactures, to the great damage of this kingdom." To meet the exigencies of the times, the Board of Trade was established in 1696, of which the celebrated Locke was a member. This was a permanent commission, consisting of a president and eleven members, known as "Lords of Trade," who succeeded to the authority and oversight hitherto exercised by plantation-committees of the Privy Council. Subsequently the powers of this Board were somewhat curtailed, but down to the period of the American Revolution, it continued to exercise a general superintendence of the colonies, watching the Assemblies with a jealous eye, struggling hard to uphold the prerogatives of the king and authority of Parliament, laboring to strengthen the hands of the royal governors, and systematically to carry out the policy of rendering America completely subservient to the views which then prevailed of the commercial interests of the mother country.

Parliament devoted a large portion of its sittings that year to



American affairs. The House of Lords represented to the king that, "Having considered the state of the trade of this kingdom to the plantations, they had found many abuses of the several good laws made for their government, and very illegal practices carried on, to the great detriment of the kingdom, whereby the act lately passed had been greatly obstructed;" they recommended therefore, "That the proprietaries should be obliged to give security in England, that their governors shall constantly obey the royal instructions for the execution of the laws; and that courts of admiralty should be erected in the various plantations, in order that offences against the laws of navigation might be no longer delayed by judges and jurors, who were themselves often the greatest offenders." The proprietaries declined to give the security demanded of them, which they thought no law required; the resolution of the peers, they considered, could not, however respectable, compel them to perform what they deemed in itself unreasonable, as their sovereign had the power of withholding his approbation from their appointments, and they pleaded their charters, in opposition to the royal nomination of admiralty officers. Having heard their counsel, the crown lawyers determined that no colonial patent prevented the king from establishing an admiralty jurisdiction within every dominion of the crown. The right of appeal from the colonial courts to the king in council was also sustained, and by this double means the mother country acquired at length a judicial control over the colonies, and with it a power, afterward imitated in the Federal Constitution of the United States, of bringing her authority to bear not only upon the colonies as political corporations but, what was much more effectual, upon the colonists as individuals.

By a contemporaneous act of Parliament, the various statutes for carrying the acts of trade into effect were consolidated, and new and more stringent provisions were added. Any direct trade between Ireland and the plantations was totally prohibited, that country being put, in this respect, in a worse position than any in the world. The pretense was, that if trade of any sort was allowed, it would be made a cover for smuggling innumerable articles. An oath to enforce the acts of trade was imposed upon the governors of the chartered colonies, their appointment also was made subject to the royal approval; all colonial statutes or usages conflicting with acts of trade, past or future, were declared



void. The same powers were conferred on the king's revenue officers in America, which they possessed in England; their number was increased, and at their head was placed, as surveyor-general, the active and persevering Randolph, so conspicuous formerly in the history of Massachusetts.

Free trade soon made freebooters, who found (with the honorable exception of Maryland) shelter for their ships, and provisions for themselves every where, among a sanctimonious people, who while they piteously sighed over their offensive occupation, encouraged it by purchasing their plunder, and it was with great difficulty and expense that piracy was finally suppressed.

After a long interval, in which the deputy and lieutenant-governors administered the affairs of the state, Lord Bellamont arrived at Boston, and was duly sworn into office. He also had the mortification to find that he had no fixed salary, and that his official income depended upon an annual vote in the Legislature, a humiliating position that opened a door to constant annoyances, and enabled the two Houses to make it his interest to neglect his duty, by starving him into submission. In the subsequent administrations, it became the rallying point for the two contending parties of Patriots and Loyalists, and excited contentions, in which the authority of the Crown was gradually weakened, and its dignity greatly diminished. He experienced, however, no difficulty on this subject himself, and as there was but little that occurred in his time, bearing on the subject of this inquiry, we might dismiss him, with this short notice. But he was a man in advance of the age in which he lived, and we may spare a moment to pause and admire him.

He was a true specimen of a great liberal governor. He made the most of his rank by his great condescension and suavity of manner; he was accessible at all times, and affable and courteous on all occasions. Although an Episcopalian, he professed to entertain most tolerant opinions on the subject of dissent, and a special respect for Congregational churches, and their pastors, and above all a most pious horror of Popery. He avoided any thing like controversy with individuals, or either branch of the Legislature, and what he could not obtain by address, he refused to secure by compulsion. He attended the weekly lectures at the principal conventicle, and listened with the utmost attention, and evident edification, to the long, confused, and prosy compositions

of the divines. On one occasion, when returning from a self-imposed penance of this kind, he thus addressed an apothecary, whom he saw standing near the door of his dispensary—"Oh! doctor, you have lost a precious sermon to-day." "Yes, my lord," was the equivocal reply; "I have, but if I could get only half as much by being there as your lordship will, I should have attended also." This *double entendre* deserved and received a most gracious smile of approbation.

He was the first governor, who, in imitation of the Lord Lieutenant of Ireland, opened the Legislature by delivering a formal written address. It was a novelty, and as such not likely to be acceptable to a people who disliked all innovation on their established forms; but while it well comported with his dignity, it conferred additional weight and importance on themselves, and was therefore approved. He knew how much the family of the Stuarts was dreaded and hated in New England, and how acceptable a censure upon them and their principles would be. His first and last speech was filled with pious horror at their religion, and patriotic indignation at their arbitrary conduct. His lordship was only fourteen months in the province, when he went to New York. For this short period the Assembly voted £2500, an infinitely larger sum than any of his predecessors ever received, or any of his successors could obtain, even when the inhabitants were more numerous, and more opulent; and money, when compared with the necessities of life, had become less valuable. To engage the attention in this manner of the cold and cautious Puritans, and set them gaping with wonder and delight, while their pockets were emptied of their contents, was a feat of professional skill, which does equal honor to his lordship's dexterity, and to his sound liberal principles.

The government was now conferred upon Mr. Dudley, who had been the first president, after the loss of the charter, and who thereby rendered himself so unpopular, that when Sir Edmund Andross, was seized and sent to England, he was also imprisoned and transported with him, to take his trial. As a governor of Massachusetts, the selection was unfortunate. It was known that from fortuitous circumstances, he was obnoxious to his countrymen; and the slightest knowledge of human nature, would have suggested to the Ministry, that in a small and isolated community like Massachusetts, he would have to encounter the

jealousy of rivals, the hatred of party (when his opinions were all known) and the odium arising from personal infirmities, from which no man ever was, or can be exempt. As a ruler of any other American colony, no man could be better qualified than he was. Intimately acquainted with American feeling and prejudices, he knew how to respect the one, and how to avoid shocking the other. He was well informed as to their wants, the resources, and the common danger to which they were all exposed, from the Indian tribes and their French neighbors. A lawyer, a man of business and talents, and above all a colonist, having a sympathy with the people, who were his countrymen, and an affection for the continent where his lot and that of his children were cast, his interest was identified with those on whom he was to exercise jurisdiction, while his desire to serve the Crown, was restrained from running into tyranny by the knowledge that while he abrogated the rights of the inhabitants, he was restricting the liberty of his own posterity.

To appoint a colonist to preside over his native province, for the reasons above stated, would at any time, be a hazardous experiment; but there is no class of men so competent, and so desirable for those at a distance, while at the same time no course of policy could be more conciliatory and grateful. The experiment, however, was not doomed to be often tried. When the office became worth having, needy dependents at home found that family connection or parliamentary interest, was a better recommendation than experience or ability, and politicians discovered that the greatest advantage of a colony, was that it presented a field for patronage.

The republican or patriot party, availing themselves of the unpopularity of the governor, gained the ascendancy in the Legislature. Their first step was to choose a Speaker personally offensive to him, and when he rejected him, to deny his right under the charter to do so. By special instructions from England, he laid three commands of his Majesty before them. First, the rebuilding a fort in Maine, which had become dilapidated; second, the erection of another in the same territory, as a check upon the Indians and French; and thirdly, establishing fixed and suitable salaries on the governor, and lieutenant-governor, and the judges; but they refused all three, and the Council supported them in their contumacy. With respect to the last, they felt the advant-

age they had over those officers, and were determined to maintain it. They had lost the power of appointing them, and were resolved to render their situations of as little value as possible. The Ministry, on the other hand, with a negligence or timidity that it is difficult to comprehend, suffered this degrading subject of annual discussion to be continued. The Assembly accordingly voted very small sums for the year for this purpose, and reduced the proportion appropriated to the representative of royalty to the smallest amount possible.

The Patriot party were predetermined on every species of annoyance in their power, and when so unjust a feeling exists, scruples as to the means are seldom found to be any effectual impediment. A small vessel had been sent with a flag of truce to Nova Scotia, for the exchange of prisoners, and after a protracted voyage returned with only seventeen; and being again ordered on the same duty, procured the release of seven more. It was immediately whispered about the country, that the ill success of the application, and the unusual length of time spent in the negotiation, was owing to the captain having, under the protection of the flag of truce, been engaged in trading with the enemy, and furnishing them with supplies—the governor not only being privy to it, but participating in the profits. The House immediately voted that it was a fit subject for parliamentary inquiry, as the Supreme Court had no jurisdiction in such a case, and put the master, and five other persons supposed to be implicated, upon their trial, and thereby placed his Excellency in the dilemma they so much desired. If he should interfere to stop their proceedings, the inference would naturally be drawn by the whole province that he was a *particeps criminis*; and if he suffered the inquiry to proceed, it was possible some of the prisoners, to save themselves, might be induced to join in an accusation against him. There was as little evidence against the parties charged with treason, as there was ground for supposing the governor had any knowledge, or even suspicion, of their harboring such a design. They were all, however, found guilty. The captain was fined twelve hundred pounds, and incapacitated from ever holding office in the colony. It was even proposed to compel him to sit on the gallows for an hour with a rope round his neck, but this ignominious part of the punishment was afterward withdrawn. The fines imposed on the others were equally excessive. Six laws



were then drawn up to legalize these measures, and passed with as little delay as possible, but were all very properly disallowed in England; and this infamous act of oppression, and the cruel and wicked insinuations against the governor, confirmed and strengthened, rather than impaired, his influence with the Ministry. To the contumacy of the House was added the insolence of the preachers, who endeavored to recover their lost popularity with the Patriots by warmly espousing their cause, and lending the weight of their names to foment the general discontent. To promote this object they ridiculed the governor in their public ministrations, their intercourse with the people, and printed pamphlets, and annoyed him with the most abusive and insolent letters.\*

The object of this part of the work, as we have seen, is to show that for the first half century after its settlement, Massachusetts, to all intents and purposes, was a republic; that when it was subsequently merged into a government in which royalty had some share, that small portion was never submitted to willingly, and was only permitted to exist until the people were able to extinguish it altogether. In selecting such portions of the annals

\* In the third volume of the "Massachusetts Historical Collections" are preserved some extraordinary specimens of the latter, written by Increase and Cotton Mather. The governor replied to these meddling divines with becoming spirit, as will be seen by the following extract :

"Roxburg, February 3, 1707-8.

"GENTLEMEN.—Yours of the 20th instant I received, and the contents, both as to matter and manner, astonish me to the last degree. I must think you have extremely forgotten your own station, as well as my character; otherwise it had been impossible to have made such an open breach upon all the laws of decency, honor, justice, and Christianity, as you have done in treating me with an air of contempt and superiority, which would have been greatly culpable toward a Christian of the lowest orders, and is insufferably rude toward one whom Divine Providence has honored with the character of your governor.

"In many of the matters of fact you labor under great mistakes, which have been taken up with great credulity; and indeed you have raked together whatever has been imputed to me these many years, either through prejudice or mistake, and seem to think the bruit of a town a sufficient foundation to build a charge on. As to some other things contained in your charge, I can not esteem you competent judges. The articles are so many contained in your letters, that it would be endless to labor your satisfaction by writing, which you must not further expect from me. In the mean time I expect you, as subjects of the Queen, as Christians, as messengers of the gospel of peace, to lay aside all methods to blow up sedition, or abet such criminal reports of maladministration as tend to debauch the minds of her Majesty's good subjects of this province from their duty and allegiance."



of this period as illustrate this position, it is somewhat difficult to decide what shall be brought forward and what rejected. To go at large into the investigation, would be to write a history of New England : to preserve so much only as is necessary to support the theory, necessarily gives the narrative somewhat of a disjointed appearance. It is an evil, however, incident to the inquiry ; and it would seem on the whole better, perhaps, to err on the side of brevity, than to overload the work with particulars, that may weary the reader with their minuteness, or are too provincial to interest his attention.

The governor retained his office for about fourteen years, or until the accession of George I., when he was superseded, by the appointment of Colonel Shute, an experienced officer, who had served under William III. and the Duke of Marlborough. Mr. Dudley's firmness, attention to business, impartiality, and general information, made him a most useful, and latterly a respected governor ; and had he been employed any where else but in his native province, he would doubtless have been held up as a model for the imitation of others. Colonel Shute was soon found to be deficient in the constitutional information, prudent firmness, and tact that distinguished his predecessor, and the republican party obtained an easy victory over him.

One of the first steps taken by the House, in order to carry out their chartered rights to the fullest extent, was to pass an act imposing a tonnage duty on English shipping, and a tax on the importation of British and West India productions, which, being incautiously assented to by the governor, drew down upon him a reprimand from the king. Notwithstanding this well known fact, they sent the same bill to the Council the following year, which caused some acrimonious discussion. In 1720 they elected for their Speaker a person with whom they knew the governor had had a serious rupture, in order to irritate and annoy him. This choice he declined to confirm ; and as they persisted in refusing (*nem. con.*) to proceed to a new election, he dissolved them. At their next meeting they evaded a renewal of the contest on this point, but sent him a remonstrance on the subject of his veto, re-asserting their right, and concluding with these words : " And we earnestly hope and desire that the province may never have an Assembly that will willingly forego such a valuable privilege, as King William and Queen Mary of ever

blessed memory graciously favored the province with, when they gave their royal assent to a law directing and governing the affairs."

Their next step was to insist upon the local appointment of all notaries, who had hitherto received their commission from the Archbishop of Canterbury; and, to manifest their repugnance to even the appearance of royal authority, they resolved that for the future no public money should be expended at times of public rejoicings, which was intended to embrace such events as the king's birth-day, accession, coronation, and similar occasions. They then reduced the governor's salary, notwithstanding it had already been greatly diminished by the depreciated state of the currency. In the mean time their resistance to the prerogative, and stout maintenance of the assumed rights, became so popular, that at their next session they passed a resolution for going to war with the Indians, for raising troops for the purpose, the appointment of a sheriff to accompany them, and also for the appointment of inspectors, with power to visit forts, muster the soldiers, and so on, without the concurrence of the English aristocrat, as they called the governor.

In the session of 1721 the governor, by instructions from home, recommended them to adopt five different measures of pressing importance, among which was one to make permanent provision for the support of the king's representative and the judges, to all of which they returned him a distinct refusal. Their next attempt at an invasion of the prerogative, was an endeavor to induce the Council to join them in issuing a proclamation for the observance of a fast, and thereby anticipate the governor, and supersede his authority. The Council declined to concur with them, alleging that they could find no precedent to justify them, to which they replied, "that if such things had not the sanction of the whole Court, people would not be liable to punishment for disobedience." His Excellency desirous of maintaining, if possible, a good understanding with them, as far as was compatible with his responsibility to the Crown, deviated from his usual course, and inserted in his proclamation the words, "by and with the advice of his Council, and upon a motion of the House of Representatives." But republican feeling and prejudice are not easily conciliated by royal condescension. Courtesy is a term not understood where the power is all on one side; unconditional

surrender and submission are the only admissible terms. The House refused to join in any compromise, and not only declared that they never had made any such motion, but expressly ordered their members not to promulgate any copies of the mandate among their respective constituencies.

The people now adopted the views of their delegates, and the advice of their clergy, and returned the same members to the next house, with strict injunctions to reduce the "foreign despot" to a mere nullity. They again elected for Speaker the same man whom he had before negatived, and to prevent him from having the opportunity of expressing his disapprobation, altered the form of the message, and addressed it to Governor and Council jointly, informing them that they had chosen their Speaker, and were now ready to proceed to business. His Excellency, who had some skillful advisers about him, affected to misunderstand their meaning, and assuming that they thereby admitted his right, and requested his approbation, much to their surprise, informed them that he confirmed their election.

Many minor acts occurred, evincing the same spirit of encroachment and insubordination. But one is worthy of record, as an evidence of the untractable temper of the people, on whatever side they were ranged. During the prayer, with which their proceedings were invariably opened, it was observed that an old royalist, of the name of Philip Tabor sat, instead of standing up, as was customary. Upon being asked by the Speaker, why he adopted this unusual course, he replied, that their conduct had been so extraordinary of late that he felt he could not address his Maker by the name of "our Father," as it was impossible he could be the parent of such rebellious children. The house immediately resolved that "he be expelled, as unworthy to be a member thereof." The dispute relative to the governor's salary increased in violence every year, until at last they refused to consider the vote at all, until after the period elapsed for his signifying his assent or dissent to the bills they had already passed. They also adjourned themselves for a week, for which they were again dissolved.

At the following session they chose the same obnoxious Speaker, and sent a message to the governor, informing him of it. He returned them a written approval of their selection, but the House informed him, they had merely given him the notice out of re-

spect, but that they did not require his sanction. In the meantime, the opinion of the Attorney-general of England, in favor of the governor's right to veto the appointment of a Speaker, and the approbation of the Lords Commissioners of Trade of the governor's conduct, having arrived, he laid them before the Assembly; but they were-unwilling to be bound by them. They prepared a remonstrance, in which they justified their conduct, and that of the other Assemblies, in this matter, and declared, that with all due deference to so high a legal authority, they still claimed, and insisted on their right of solely electing and constituting their Speaker. The salary of the governor was still further reduced to one hundred and eighty pounds sterling, for the half year, although his instructions required him to insist on a permanent provision of one thousand per annum; while a continual system of encroachment on the prerogative was ingeniously but perseveringly persisted in, until finding all ordinary and constitutional means fail, and having been shot at in his house, he suddenly embarked for England, and formally lodged a complaint against the Assembly, under seven distinct heads.

1. "In their behavior with respect to the trees reserved for masts for the Royal Navy.

2. "For refusing to admit the governor's negative upon the choice of a Speaker.

3. "Assuming power in the appointment of days of fasting and thanksgiving.

4. "Adjourning themselves to a distant day, by their own act.

5. "Dismantling forts, and directing the artillery and warlike stores to other than the custody of the Captain-general, or his order.

6. "Suspending military officers, and refusing their pay.

7. "Appointing committees of their own to direct and muster his Majesty's forces."

An explanatory charter was the consequence of these complaints, expressly conferring the right to negative the choice of a Speaker, and limiting the power of the House to adjourn itself to two days at any one time. But the main objects in dispute were left undecided.

Preferring a pension, and retirement into private life, to re-assuming the government of a turbulent and factious people, Col-



onel Shute very wisely relinquished the office, and remained in England. Mr. Burnet, late Governor of New York and the Jerseys, was appointed his successor. He was son of the celebrated Bishop Burnet, and was a man of great quickness of parts, amiable, of great firmness of purpose, and unimpeachable character. The whole term of his administration was occupied by the wearisome contest about his salary, which so effectually destroyed his domestic comfort, that he injured his health, and finally fell a victim to it, and died in the colony. On his first assuming the government he informed them that his instructions were peremptory, not to accept any thing short of a permanent and fixed salary, during his continuance in office, and that he should inflexibly adhere to them. The Assembly knew that his private fortune was inadequate to his support, and therefore meanly hoped, by supplying his temporary wants, to induce him to waive a strict obedience to his orders, and accordingly voted him a most liberal provision for the current year, which they accompanied with an address, repeating the old hackneyed abstract: "Undoubted right of Englishmen to raise and apply money for the support of government," announcing their willingness to give an honorable and ample provision; but expressing their conviction, that it would be most beneficial for his Majesty's service to do so, without establishing a fixed salary. The governor, who was as much distinguished for readiness as ability, answered, that the right of Englishmen could never entitle them to do wrong; that their privilege of raising money was by charter expressed to be by wholesome and reasonable laws and directions, consequently not such as were hurtful to the constitution, and the ends of government; that the mode in which they proposed to provide for him could not be honorable, for it deprived him of his undoubted right as an Englishman, and the king's representative, to exercise his judgment, or compelled him to remain without support; and appealed to their own consciences, whether, upon former occasions, they had not withheld the allowance, until certain bills were passed, and whether they had not sometimes, made the grant contingent upon the allowance of such bills; and concluded by telling them, if they really intended from time to time to grant him an honorable support, they could have no just objection to making their purposes effectual by at once fixing the amount, for he never would accept it in any other form. They

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however avowed their determination to adhere to their decision, and he remained unpaid.

It would be tedious to follow this subject further into detail. The people of Boston, at a general meeting of the inhabitants, passed a resolution, approving of the proceedings of the House; and by their violent conduct overawed those who were for preserving an understanding between the several branches of the Legislature. The governor, with some humor, observed, that there might possibly be some charm in a name, or some hidden meaning in selecting it, and as Salem and Concord were both within a reasonable distance, he would convoke the Legislature successively to those places, where they would be beyond the reach of the turbulent inhabitants of the capital. The first was tried with no better success; after which they were directed to assemble at Cambridge. At the latter place, a detailed report of the committee of the Privy Council was exhibited to them, in which his Excellency's conduct was as highly approved as that of the local assembly was condemned, and the whole matter was recommended to be submitted to Parliament. The revolutionary feeling, however, was too strong to be influenced either by reason or fear. Instead of retracing their steps, they determined to persevere, and appointed an agent in England to defend their conduct, and voted a salary to him, in preference to the governor. Burnet, embarrassed in his means, and hampered and oppressed by this continued and offensive struggle, fell at last, as we have seen, a victim to the imbecility of the home, and the implacability of the local powers. The Assembly ordered an honorable public funeral, many of the Patriots observing, with Puritanical charity, that a dead governor was better than a living tyrant, and that burying the representative of royalty was an expense which the public would defray with great pleasure.

While these disputes were disturbing the peace of Massachusetts, similar difficulties occurred at New York, and Governor Hunter, "tired," as he said, "of begging his bread," and finding that the threats of the Board of Trade, and of parliamentary interference, were viewed in the light of "bullying letters," condescended to obtain by intrigue, and a high-handed exercise of power and patronage, what he could not procure by constitutional means.

Mr. Belcher was appointed to succeed to the vacant command

in Massachusetts, August, 1730. Warned and irritated by the defeat of preceding governors, the king furnished him with much stronger instructions than had ever yet been given, on the disputed subject of the salary. He was told: "if the Assembly refuse to comply, his Majesty will be under the necessity of laying the undutiful behavior of the province before the Legislature of Great Britain, not only in this single instance, but in many others of the same nature and tendency; whereby it manifestly appears, that the Assembly for many years past has attempted, by unwarrantable practices, to weaken, if not cast off, the obedience they owe to the Crown, and the dependence which all colonies ought to have on the mother country." He was also instructed that, "His Majesty expects that they do forthwith comply with this proposal, as the last signification of His Royal pleasure, and that you do come over immediately to this kingdom of Great Britain, in order to give him an exact account of all that shall have passed upon this subject, that he may lay the same before Parliament." He was not more fortunate, however, than his predecessors, and finding at last that the General Court would not recede from their resolution against settling a salary, he directed his exertions to procuring an establishment during his continuance in office; but after flattering prospects of succeeding thus far, he failed even in this, and thenceforth gave up all idea of carrying the measure. He finally obtained leave of the Crown to accept such terms as should be granted, and so terminated, for this time, one of the most memorable conflicts between the Crown and the province, which its political history hitherto affords.

In this struggle, we may see a precedent never forgotten in the colonies, of the ultimate success of agitation, whenever spiritedly pursued for any length of time; of the want of firmness in the British Government, even in those matters in which it has both reason and justice on its side; and of the facility with which her friends who consistently support imperial control and prerogative rights, are abandoned to the triumph of their enemies, and the unpopularity and odium necessarily attending the advocacy of measures opposed to the passions and prejudices of the people. Extorted concessions are regarded as acts of necessity, and not benevolence, and are neither entitled to, nor receive gratitude, while the abandonment of allies, without reward or protection, is an act of treachery, that not only repels future confidence, but

increases the relative forces of the enemy, by detaching indignant and injured adherents. Now that the main question of a permanent salary was abandoned, the office became of little value, in point of emolument, while the increased impulse given to republicanism by the surrender of principle, rendered it still less desirable, from the perpetual struggle of parties.

Up to this period every candid person must admit that the American colonists had nothing to complain of; the only just cause of regret being one, which they regarded as their greatest happiness, namely, ignorance or indifference on the part of England of what they were doing, and a total neglect, arising in part from these causes, and in part from inability to bestow her attention on any thing else than her own more immediate concerns. A century had thus been allowed to elapse before the advantages of colonies began to be appreciated, or their forms of government properly adjusted, during which period a feeling had arisen of great repugnance to imperial control on the one hand, and a distrust of the tendency of Americans to republicanism on the other. New generations had grown up, on either side of the water, who knew nothing of each other; whose interests were apparently as distant as their respective positions, and who scarcely felt or acknowledged those ties of friendship, that could alone bind them together.

One would naturally suppose that after such an experience of colonization, ending in so fatal a result as the American Revolution, Great Britain would have avoided the effects of similar ignorance or neglect, if it were not, unfortunately, but too plain that the lessons of history, like personal experience, are of little use to any but the immediate actors. People, living near together like the English, and inhabiting the same country, know as little of each other as if the sea rolled between them. Such are the advances of civilization, and such the effects of constitutional changes of modern times, that the country may now be said, for all practical purposes, to possess but two orders, as of old, the rich and the poor; for the middle class is nearly absorbed by one or the other of these great bodies. There is now an aristocracy of wealth among the untitled manufacturers, as well as of land among the peers, and there is a third of letters and of talent, that limits the sphere and the power of both, by raising or reducing them to its own level; while the ramifications of the

lower class are extended far into the ground hitherto occupied by the middle orders. Social distinctions are still well defined, and palpable enough, though by no means so strong as formerly. Politically considered, therefore, there are but two classes among the people of England, but how little does either know of the other. Where is there a body in the world so distinguished for its ability, learning, high religious and honorable feelings, its munificence in all public undertakings, and its unbounded charity in the social relations of private life, as the aristocracy of England? On the other hand, where is there a population possessing such manly independence of conduct, and patient endurance of trial and privation, and such an obedient submission to constituted authority, and so many of those virtues that adorn and dignify the character of man, as the lower orders of Englishmen? Yet they are so wide apart, the line of distinction and demarkation is so strong, that they neither know each other's value, nor do justice to each other's integrity. Too many of the poor regard the lords as men devoted to pleasure, possessing the means, and indulging the excesses of profligacy, and squandering the hard earnings of the laborer in riotous living. While the noble, on his part, looks at the dark cloud that envelops the lowly dwellings, and conceals the persons of the poor, with instinctive fear. The sound of many voices fills him with dread, lest it should be the distant thunder that forbodes the storm; and when he recollects that the highway robber, the murderer, the incendiary, and the burglar, lie hidden in the loathsome dens of destitute and hopeless wretchedness, he is but too apt to associate the idea of poverty with crime. There is no Atlantic to divide and keep them apart; but there is a neutral ground that lies between them, occupied by a banditti of Irish agitators, English free traders, free-thinkers, demagogues, and political adventurers, that cut off all intercourse and intercept all mutual correspondence. Their daily subsistence is derived from the credulous support of the poor; while the fertile regions of the rich afford valuable prizes to their fraudulent speculations, or their violent forays. They have impoverished both. Under the wicked pretense of cheap bread, they have lowered the wages of the laborer, and at the same time, by causing a reduction of rents, and of the value of real estate, have disabled benevolence from giving employment to the industrious poor. The ground these unprincipled people occupy, pertains to

the Church, and the sooner she is enabled to recover possession of it, and by salutary example, and sound teaching, to root out these pernicious intruders, the better for the peace, prosperity, and happiness of the nation.

If such a state of ignorance exists among the population of a country like England, as to the character, condition, feelings, and wants of its several orders, we may cease to wonder that so little was formerly known of the colonies, by those whose interest and duty it was to inform themselves. But though the history of republicanism in America may excite but little interest among statesmen, as to the remaining provinces, with which they appear utterly incapable of dealing, it may be a salutary study to those visionary men in Europe, who have the vanity to think that they are able to copy the admirable form of government of the United States, or can find a country fitted for it, or a people who have the knowledge, perseverance, coolness, or skill to keep it in operation and repair.



## CHAPTER III.

### SKETCH OF POLITICAL EVENTS FROM 1740 TO 1763.

Review of the State of the Colonies from the Commencement of the Century—Trade, Imports, and Exports—Attempts at domestic Manufactures discouraged—Provincials prohibited from exporting Wool from one Colony to another, or to foreign Countries—State of the Church of England in America—Attempt of the Society for Propagating the Gospel to introduce Bishops, grossly misrepresented—Alarm felt at the Spread of Church Principles, in Consequence of the Secession of several eminent Dissenting Divines—A Man fined fifty Pounds for maintaining that no other but Episcopal Ordination was valid—Universal Disregard of the Laws of Trade—Rebellion in Carolina—Establishment of a General Post Office—Opposition to it—Proposed Scheme for confederating all the Colonies—Its Details—The Plan very similar to that of General Government—Frequent Assemblies of General Officers and Governors suggest the Idea of Congress—Dispute between Lord Loudon and the General Court about Supplies for the Troops—Attack on the Judges, and also the Custom House Officers—Question as to Legality of Writs of Assistance—Speech of Mr. Otis—Peace of 1763.

IN order to preserve the account entire of the controversy about fixed salaries, many incidental matters of interest have been omitted, which if now thrown together in a retrospective review will enable us to judge of the state of the colonies during the last forty years. The trade of the provinces, notwithstanding the restrictions to which it was subject, was greatly augmented. In the latter years of William III. the annual exports of the provinces to England amounted to about £320,000. The imports were nearly the same. The traffic with Europe, the West Indies, the Canaries, and the Azores, the greater part of which was illicit, was estimated at about an equal amount. The "plantation duties" collected in the colonies were sufficient to pay the expense of the custom-house establishment, and to leave a net surplus of £1200 a year.

Schemes continued to be indulged in America for the encouragement of domestic manufactures; but these enterprises, and the acts of the Assemblies for promoting them, were regarded in Great Britain with much jealousy. Woollen cloths, at that time, were the chief English production for exportation. A law, de-

signed to cramp this business in the colonies, prohibited the transport of domestic woolens from one province to another, or the export of colonial wool or cloth to any foreign market.

At the commencement of the century, the venerable Society for Propagating the Gospel in Foreign Parts was incorporated. No religious association, perhaps, in the world, has produced so much good, or is at this moment diffusing so much benefit over the distant parts of the empire. Although its first efforts were comparatively feeble, from the state of its funds, its salutary influence was visible in the extension of the Church, and the dissemination of good sound principles. Throughout the colonies new congregations were forming, and additional pastors demanded. At last the Society became sensible of the error that had originally been committed, and was still allowed to continue, in its missionary work in America, in not placing the clergy under proper episcopal control. To remedy this evil, it was proposed to send over bishops. But knowing the imputations to which their conduct would be subject, and the misrepresentations of their motives, which would be maliciously invented, and vindictively circulated, they stated the object they had in view, and the limited extent of jurisdiction they required.

They assured the colonists, 1st, "That no coercive power is desired over the laity in any case, but only a power to regulate the behavior of the clergy who are in episcopal orders, and to correct and punish them according to the laws of the Church of England, in case of misbehavior or neglect of duty, with such power as the commissaries have exercised. 2. That nothing is desired for such bishops that may in the least interfere with the dignity, authority, or interest of the governor or any other officer of state. Probates of wills, license for marriage, &c., to be left in the hands where they are, and no share in the temporal government is desired for bishops. 3. The maintenance of such prelates not to be at the charge of the colonies. 4. No bishops are intended to be settled in places where the government is in the hands of Dissenters, as in New England, &c., but authority to be given only to ordain clergy for such Church of England congregations as are among them, and to inspect into the manners and behavior of such clergy, and to confirm the members thereof."

As the Society feared, their avowal awakened a storm of sectarian opposition and abuse, that unfortunately terrified them

from proceeding with their laudable and necessary plan of giving effect to the teaching and discipline of the Church. It was observed every where that Episcopalians were loyal subjects and averse to those schemes of separation, which were now becoming so general and so popular; but the secession of several eminent dissenting ministers alarmed the Puritans still more. The Connecticut College, transferred from Saybrook to New Haven, and named Yale after one of its early benefactors, had been latterly intrusted to the rectorship of the Rev. Timothy Cutler, a minister of talent and distinguished learning. To the surprise and alarm of the good people of New England, Cutler, with the tutor of the college and two neighboring ministers, took occasion, on a commencement-day, to avow conversion to Episcopacy—a lapse in which they persisted in spite of an elaborate, and, as the audience thought, most convincing argument set forth on the spur of the moment by the governor, Saltonstall, in favor of Congregationalism. Cutler was forthwith excused from all further service as rector of the college, and provision was made for requiring of all future presidents satisfactory evidence of the soundness of their faith in opposition to Arminian and prelatical corruptions.

This prompt discipline, and the vehement outcry raised against the deserters, terrified and stopped several others inclined, it was suspected, to join in the revolt. Defection, nevertheless, continued to spread. Cutler became rector of a new Episcopal Church in Boston. The dismissed ministers were maintained as missionaries by the Society, and a new element through their means, was gradually introduced into the religious system of Connecticut.

The jealousy excited by the secessions in Connecticut, was evinced in Massachusetts by the trial of John Checkley, afterward ordained as an Episcopal missionary, and sent to preach in Rhode Island, for publishing Leslie's "Short and Easy Way with the Deists," with an appendix by himself, in which prelatic ordination was insisted upon as necessary to constitute a Christian minister.

This publication was charged with tending "to bring into contempt and infamy the ministers of the Holy Gospel established by law within his Majesty's province of Massachusetts." The jury having found a special verdict stating the facts, the indictment was sustained by the Court, and Checkley was fined £50.

At this period a spirit of insubordination, occasioned in part by restraint on their trade, but more by the improvident grant of

patents that conveyed self-government to its fullest extent, was observable all over the continent. The Board of Trade thus officially reports of the chartered colonies to William, in March, 1701 : "That so far from having answered the chief design for which such large immunities had been granted, they had not in general complied with the late Acts of Parliament ; that they had not only assumed the power of making by-laws, repugnant to those of England, and destructive to trade, but refused to submit their acts for approval, or to allow appeals, and continued to be the retreat of pirates and illegal traders, and the receptacle of contraband merchandise. That by exempting their inhabitants from the customs paid by other plantations, these independent governments undermined the welfare of their neighbors, and, by lowering the value of coins, turned the course of trade to the promoting of woolen and other manufactures proper for England, contrary to the true intention of such establishments. That their irregularities, arising from the ill use they made of their charter, and the independency they pretend to, evince how necessary it becomes, more and more every day, to introduce such a regulation of trade, and such an administration of government, as shall make them duly subservient to England. That since the royal commands had not been met with due obedience, it might be expedient to resume their charters, and to reduce them to the same dependency as other colonies, which will be best effected by the legislative power of this kingdom." A bill was accordingly introduced into Parliament, founded on this statement, but was allowed to be defeated by party, or neglected by ignorance or imbecility.

This very success emboldened aggression. In the southern part of the continent, where the presence of the war was but little felt, there was nothing to divert men's minds from these petty local disputes which are generally acrimonious, as the population is limited in number, and cut off from frequent intercourse with the rest of the world. Carolina openly rebelled against the proprietors, and took the government into its own hands. An association was then formed among the people for uniting the whole province in opposition to the proprietary ; and the inhabitants, with scarcely an exception, subscribed the instrument of union. Governor Johnson, after a contest with the delegates on the subject, issued a proclamation for dissolving them, and retired to the country. The representatives ordered his proclamation to be torn from the



marshal's hands, and proceeded to open usurpation. Assembling on their own authority, they chose James Moore, governor, and, on a fixed day, proclaimed him in the name of the king. They next chose twelve councilors, of whom Sir Hovenden Walker was the president, and thus formed a constitution of their own free choice.

Johnson, the representative of the proprietary, having attempted to disconcert their measures, and create some embarrassment, now made his last and boldest effort for subjecting the colonists to his authority. He brought up the ships of war in front of Charleston, and threatened to destroy their capital if they persisted in refusing obedience to constituted authority. The people, however, having arms in their hands, and forts in their possession, bade defiance to his power, and he relinquished his attempt to enforce submission to the old government. Resistance was openly avowed and advocated in all cases where the interest or the pretensions of the provincials were interfered with.

About the same time, the jealousy so long felt in England, of the charters of Connecticut and Rhode Island, found new expression in a project for uniting these colonies with New Hampshire, into a single royal province; but the people, with their usual pertinacity, declared their resolution to part with none of their privileges unless "wrenched from them." Even the Post Office offered a ground for alarm and resistance. As early as 1692, a patent had been granted to a person of the name of Neal, for establishing posts in America. The system introduced by him, had ever been irregular and imperfect, owing to the indifference or hostility of the people. At the expiration of this monopoly, in 1710, an Act of Parliament extended in due form, the British Post Office to America. The principal department was established at New York, to which letters were to be conveyed by regular packets across the Atlantic.\* The same Act regulated the rates of postage to be paid in the plantations, exempted the mail carriers from ferriage, and enabled the officers to recover their dues by summary process. So slow, however, was its pro-

\* The rates of postage, both packet and inland, were extremely moderate. On all letters from London to New York, and thence to London, it was—single, 1s.; double, 2s.; treble, 3s.; ounce, 4s. The rate of all letters from New York to any place within sixty miles thereof, and thence to New York, was—single, 4d.; double, 8d.; treble, 1s.; ounce, 1s. 4d.



gress, that eight years elapsed before it was extended to Virginia. Clamor instantly propagated objections to the principles of the Act of Parliament, as unconstitutional, and to the practice of the Post Office as inconvenient. Spotswood wrote to the Board of Trade, in June, 1718, that "the people were made to believe that the Parliament could not lay any tax (for so they called the rates of postage) on them, without the consent of the General Assembly. This gave a handle for framing some grievance against the new office, and thereupon a bill was passed by both councils and burgesses, which, though it acknowledged the Act of Parliament to be in force in Virginia, doth effectually prevent its ever being put in execution. Whence your lordships may judge, how well-affected the major part of the Assemblymen are toward the collection of this branch of his Majesty's revenue."

Morris gave information from New Jersey to the Board of Trade, in June, 1743, that "the delegates are generally so fond of the example of the Parliament of 1641, and of their neighbors in Pennsylvania and New England, that it is easy to see what Assemblies in these parts of the world are aiming at." To the Duke of Newcastle, he remarked, "it may, perhaps, seem strange to your Grace, that an American Assembly should make the passing of any law a condition, *sine quâ non*, of supporting the Government; but to what lengths they will carry their endeavors, unless they meet with some more effectual check than they have done, my superiors can best judge."

The Board of Trade reported that the Pennsylvanian Assembly having passed several acts, which were found to offend equally against natural justice, the laws of England, and the royal prerogative, containing the most dangerous claims, "that it was in vain to negotiate away his Majesty's authority, since every new concession becomes a foundation for some new demand, and that of some new dispute." It also complained of the obstacles thrown in the way of its obtaining information. "We can not conceal," they say, "the difficulty of procuring returns of the commercial affairs of New England, which will not appear extraordinary, when we acquaint your lordship that the Assembly of Massachusetts Bay had the boldness to summon Mr. Jeremiah Dunbar before them, and to pass a severe censure upon him, for having given evidence at the bar of the House of Commons, with regard to their trade and manufactures."

To all these warnings, the Parliament was indifferent or inattentive, and the evil was allowed to extend itself to that degree, that when a remedy was attempted it was found to be incurable. The colonists, however, were fully alive to their interests, and lost no opportunity of advancing them. The most important subject at that time ever debated on this continent, was now fully considered in all its bearings, namely, a confederation of all the provinces, with a constitution as nearly as possible resembling that of the United States. This, doubtless, was suggested by the combination of the early plantations of New England, already referred to, while this more perfect and better matured plan, served as a model first for Congress, and Convention, and then for the union of all the revolted colonies.

The interest and importance of the subject justify and require a detailed notice of it. The Board of Trade ordered an assemblage of delegates from all the Governments, to be held at some central place, for the purpose of considering the subject of Indian affairs. To this meeting, which took place at Albany, on the 14th of June, 1754, six provinces sent commissioners. It is remarkable that Massachusetts not only empowered her delegates to act upon the object of the letter from the Lords Commissioners, but authorized them to enter into articles of union and confederation with the other Governments, for the general defense of his Majesty's subjects and interests in North America, as well in time of peace, as in war. After mature deliberation, the following plan was agreed upon:

"It is proposed that humble application be made for an Act of Parliament of Great Britain, by virtue of which one general Government may be formed in America, including all the said colonies (Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina); within, and under which Government, each colony may retain its present constitution, except in the particulars wherein a change may be directed by the said Act, as hereafter follows:

#### PRESIDENT-GENERAL AND GRAND COUNCIL

"That the said General Government be administered by a President-general, to be appointed and supported by the Crown, and a Grand Council, to be chosen by the representatives of the

people of the several colonies, met in their respective Assemblies.

#### ELECTION OF MEMBERS.

“That within—— months after passing of such Acts, the House of Representatives that happen to be sitting within that time, or that shall be especially for the purpose convened, may and shall choose members for the Grand Council, in the following proportion, that is to say, Massachusetts Bay 7, New Hampshire 2, Connecticut 5, Rhode Island 2, New York 4, New Jersey 3, Pennsylvania 6, Maryland 4, Virginia 7, North Carolina 4, South Carolina 4 : Total 48.

#### PLACE OF FIRST MEETING.

“Who shall meet for the first time at the city of Philadelphia, in Pennsylvania, being called by the President-general as soon as conveniently may be after his appointment.

#### NEW ELECTION.

“There shall be a new election of the members of the Grand Council, every three years, and on the death or resignation of any member, his place shall be supplied by a new choice, at the next sitting of the Assembly of the colony he represented.

#### PROPORTION OF THE MEMBERS AFTER THE FIRST THREE YEARS.

“That after the first three years, when the proportion of money arising out of each colony to the general treasury can be known, the number of members to be chosen for each colony shall from time to time in all ensuing elections be regulated by that proportion (yet so as that the number to be chosen by any one province, be not more than seven or less than two)

#### MEETINGS OF THE GRAND COUNCIL AND CALL.

“That the Grand Council shall meet once in every year, and oftener, if occasion require, at such time and place, as they shall adjourn to, at the last preceding meeting, or as they shall be called to meet at by the President-general on any emergency, he having first obtained in writing the consent of seven of the members to such call, and sent due and timely notice to the whole.

#### CONTINUANCE.

“That the Grand Council have power to choose their Speaker,

and shall neither be dissolved, prorogued, nor continued sitting longer than six weeks at one time, without their own consent, or the special command of the Crown.

#### MEMBERS' ATTENDANCE.

"That the members of the Grand Council shall be allowed for their services, ten shillings sterling per diem, during their session, and journey to and from the place of meeting, twenty miles to be reckoned a day's journey.

#### ASSENT OF PRESIDENT-GENERAL AND HIS DUTY.

"That the assent of the President-general be required to all acts of the Grand Council, and that it be his office and duty to see them carried into execution.

#### POWER OF THE PRESIDENT-GENERAL AND GRAND COUNCIL— TREATY OF PEACE AND WAR.

"That the President-general, with the advice of the Grand Council, hold or direct all Indian treaties, in which the general interest of the colonies may be concerned, and make peace or declare war with Indian natives.

[The two next clauses referred to the Indians.]

#### NEW SETTLEMENTS.

"That they make new settlements on such purchases by granting lands in the king's name, reserving a quit-rent to the Crown, for the use of the general treasury.

#### LAWS TO GOVERN THEM.

"That they make laws for regulating and governing such new settlements, till the Crown shall think fit to form thereunto particular governments.

#### RAISE SOLDIERS AND EQUIP VESSELS.

"That they raise and pay soldiers, build forts for the defense of any of the colonies, and equip vessels of force to guard the coasts, and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any colony, without the consent of the Legislature.

#### POWER TO MAKE LAWS, LEVY DUTIES, ETC.

"That for these purposes, they have power to make laws, and

lay and levy such general duties, imposts, taxes, as to them shall appear most equal and just (considering the ability and other circumstances of the inhabitants in the several colonies), and such as may be collected with the least inconvenience to the people ; rather discouraging luxury, than loading industry with unnecessary burdens.

#### GENERAL TREASURER, AND PARTICULAR TREASURER.

“ That they may appoint a general treasurer, and particular treasurer in each government, when necessary : and from time to time may order the sums in the treasury of each government into the general treasury, or draw on them for special payments, as they find most convenient.

#### MONEY, HOW TO ISSUE.

“ Yet no money to issue but by joint orders of the President-general and Grand Council, except where sums have been appropriated to particular purposes, and the President-general has been previously empowered by an act to draw for such sums.

#### ACCOUNTS.

“ That the general accounts shall be yearly settled, and reported to the several Assemblies.

#### QUORUM.

“ That a quorum of the General Council, empowered to act with the President-general, do consist of twenty-five members, among whom there shall be one or more from the majority of the colonies.

#### LAWS TO BE TRANSMITTED.

“ That the laws made by them for the purposes aforesaid, shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the king in Council for approbation, as soon as may be, after their passing, and if not disapproved within three years after presentation, to remain in force.

#### DEATH OF THE PRESIDENT-GENERAL.

“ That in case of the death of the President-general, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue till the king's pleasure be known.



## OFFICERS, HOW TO APPOINT.

“That all military commission-officers, whether for land or sea service, to act under this general constitution, shall be nominated by the President-general; but the approbation of the General Council to be obtained before they get their commissions. And all civil officers to be nominated by the General Council, and to receive the President-general’s approbation, before they officiate.

## VACANCIES, HOW SUPPLIED.

“But in case of vacancy by death, or removal of any officer, civil or military, under the constitution, the governor of the province, in which such vacancy happens, may appoint till the pleasure of the President-general and Grand Council can be known.

## EACH COLONY MAY DEFEND ITSELF IN EMERGENCY.

“That the particular military, as well as civil establishments in each colony, remain in their present state, the general constitution notwithstanding, and that on sudden emergencies any colony may defend itself, and lay the accounts of expenses, thence arising, before the President-general, and Grand Council, who may allow and order payment of the same, as far as they judge such accounts reasonable.”

The commissioners on their return reported, that a doubt arose in the convention as to limiting the union, at least into two districts, from the great extent of territory included within it; but the probability that the designs of the enemy would require the united strength and counsels of the whole British continent, and that the affairs of the Indians would demand the direction of one undivided power, overruled an idea which, if executed, must have much enfeebled, if not finally ruined, the strength of the whole. The British Cabinet contemplated the plan of union, as calculated too strongly to demonstrate the ability of the colonies to defend themselves, while the control of the Crown over the administration was too feeble to insure its eventual superiority. Entertaining these views, they rejected the plan, for want of sufficient powers in the House; while the provincial governments, fearing that the royal prerogative would have too prevailing an influence, united in the same decision from opposite principles.

The maturing and adopting of this important scheme in North America, was reserved for her separate and independent authority, in the year one thousand seven hundred and eighty-eight. Repeated renewals of their military conventions, accustomed men's minds to the idea of centralization ; and, when the final struggle with the parent country commenced, the machinery to be made use of for combination, was so familiar to the Provincials, that they had but to follow the example of their forefathers.

Notwithstanding the very large subsidies granted to the colonies by Parliament, under the appellation of reimbursements for the payment and subsistence of their levies, and the advantages they derived from such enormous expenditure, they never let an opportunity pass to make their compliance with requisitions, the means of extorting from the governors concessions to some acts of usurpation. An attempt of this kind was made by Massachusetts upon Lord Loudon, the commander-in-chief, by refusing to quarter and billet the troops according to the terms of an act of Parliament, alleging that its provisions did not extend to America. He was, however, in a different position from a dependent and powerless governor. He had an army to enforce his authority, and therefore wrote to the General Court, that having used gentleness and patience, and confuted their arguments without effect, their want of complying would place him under the necessity of taking measures to prevent the whole continent from being thrown into confusion. As nothing was wanting to set things right, but the Justices doing their duty (for no act of the Assembly was necessary for it), he had ordered the messenger to remain only forty-eight hours in Boston ; and if on his return he found things not settled, he would instantly order into the town the three battalions from New York, Long Island, and Connecticut ; and, if more were wanting, he had two in the Jerseys at hand, besides those in Pennsylvania. As public business obliged him to take another route, he added, he had no more time left to settle this material affair, and must take the necessary steps before his departure, in case they were not done by themselves. This produced the desired effect ; and a law was passed, as they said, " not to enforce an act of Parliament, but to supply measures in a case that did not reach them ;" " a proceeding" they observed, in an address to the governor, " which

could never be disapproved of by the Imperial Legislature, *their dependence upon which they had never thought of lessening ;*" and concluded with this remarkable assertion : " that there was not a member of the General Court, nor did they know of an inhabitant within their jurisdiction, who ever questioned this authority."

Persons holding office not entirely under the control of the General Court, were not so well supported as the commander-in-chief of a large army ; and if the Assembly had been humiliated itself, it was now determined to retaliate on others. Their first attack was upon the judges, whose salaries, as some indemnification for their own defeat, they reduced. This was followed up by a systematic course of misrepresentation and abuse, conduct which, it has ever been observed, precedes revolutions. The object of this persecution was rather to increase the odium attaching to the imperial laws, which they had to administer, than to gratify personal animosity ; but the Custom House officers they hated, not merely as the instruments of oppression, but as men who took delight in their annoyance. Their duty was odious in itself, and a zeal to merit the approbation of the Ministry, and to accumulate wealth, induced them to exercise a rigor in enforcing the commercial laws which added much to the unpopularity connected with their business. The antipathy soon became personal, and the execution of the laws appeared like the triumph of private revenge. A committee reported that a sum of £475 9s. 11*d.* a portion of forfeitures awarded by law to the province, was unjustly detained, and the House desired the treasurer to sue the collector of the port for its recovery. To this the governor refused his consent, on the ground that it was the duty of the treasurer merely to receive the king's money, and that of the attorney-general to sue for and recover it. At this distance of time, it would be tedious to recapitulate the arguments for and against the course attempted to be pursued by the House ; it is merely necessary to state that, as usual, the delegates succeeded. They extorted a reluctant consent, given under protest, in which the governor expressed a hope that they would not require of him such another proof of his great desire for preserving a good understanding with them. After an expensive course of litigation, the judgment of the Supreme Court was given against the treasurer, which still further increased the popular dislike to the Board.

About the same time, and from the same principles and feelings, arose another important dispute. One of the Custom House officers petitioned the Supreme Court of Judicature, stating that they could not fully exercise their offices in such a manner as his Majesty's service, and the laws in such case required, and praying the court would grant writs of assistance to aid them in the execution of their duty, according to the usage of the Court of Exchequer in Great Britain. Mr. Gridley, as King's Attorney, maintained the legality of this writ, as well by the practice of the Exchequer, as by that of the Supreme Court of the province. The practice in England, he asserted, was supported by statutes 12th and 13th Charles II., and by 6th Anne, which continues all processes, and writs of assistance among the rest. The authority of the Supreme Court to grant this writ was founded upon the statute of 7th and 8th William III., which enacted, that all the officers for collecting and managing his Majesty's revenues, and inspecting the plantation trade in any of the provinces, should have the same powers, &c. as are provided for the officers of the revenue in England; as also to enter houses and warehouses to search for, and seize any such goods, and that the like assistance should be given to the said officers as is the custom in England.

Mr. Otis appeared for the inhabitants of Boston, who had presented a counter petition. As his speech discloses several curious facts, and presents a striking picture of the partisan zeal of the lawyers of that day, as well as a good specimen of the ability and eloquence of the Massachusetts bar, I insert copious extracts from what is reported in Minot:

“MAY IT PLEASE YOUR HONORS,

“I was desired by one of the Court to look into the books, and consider the question now before them, concerning writs of assistance. I have accordingly considered it, and now appear, not only in obedience to your orders, but likewise in behalf of the inhabitants of this town, who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare, that whether under a fee or not (for in such a case I despise a fee), I will to my dying day oppose with all the powers and faculties God has given me. all such instruments of slavery on the one hand, and villainy on the other, as this writ of assistance is.



"It appears to me the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was found in an English law book. I must, therefore, beg your honors' patience and attention to the whole range of an argument that may perhaps appear uncommon in many things, as well to points of learning, that are more remote and unusual, that the whole tendency of my design may the more easily be perceived, the conclusion better desiered, and the force of them be better felt. I shall not think much of my pains in this cause, as I engaged in it from principle. I was solicited to argue this cause as advocate-general; and because I would not, I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounce that office, and I argue this cause, from the same principle; and I argue it with the greater pleasure, because it is in favor of British liberty, at a time when we hear the greatest monarch upon earth declaring from his throne, that he glories in the name of Briton, and that the privileges of his people are dearer to him than the most valuable prerogative of his crown; and as it is in opposition to a kind of power, the exercise of which, in former periods of English history, cost one king of England his head, and another his throne.

"I have taken more pains in this cause than I ever will take again, although my engaging in this and another popular cause, has raised much excitement. But I think I can sincerely declare, that I cheerfully submit myself to every odious name for conscience sake, and from my soul I despise all those whose guilt, malice, or folly, has made them my foes. Let the consequences be what they will, I am determined to proceed. The only principles of public conduct, that are worthy of a gentleman, or a man, are to sacrifice estate, ease, health, and applause, and even life, to the sacred calls of his country. These manly sentiments in private life make the good citizen, in public life the patriot and the hero. I do not say that when brought to the test, I shall be invincible. I pray God, I may never be brought to the melancholy trial; but if ever I should, it will then be known how far I can reduce to practice principles which I know to be founded in truth. In the mean time, I will proceed to the subject of this writ.

"In the first place the writ is universal, being directed 'to all



and singular, the justices, sheriffs, constables, and all other officers and subjects,' so that, in short, it is directed to every subject in the king's dominions. Every one with this writ may be a tyrant, if this commission be legal; a tyrant in a legal manner also may control, imprison, or murder any one within the realm. In the next place it is perpetual, there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him, until the trump of the arch-angel shall excite different emotions in his soul. In the third place, a person with this writ, in the day time, may enter all houses, shops, &c., at will, and command all to assist him. Fourthly, by this writ, not only deputies, &c., but even their menial servants are allowed to lord it over us. What is this but to have the curse of Canaan with a witness on us, to be the servant of servants, the most despicable of God's creatures?

"Now one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and while he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would entirely annihilate this privilege. Custom House officers may enter our houses when they please. We are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and every thing in their way, and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient.

"This wanton exercise of this power is not a chemical suggestion of a heated brain. I will mention some facts. Mr. Pew had one of these writs, and when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware, so that these writs are negotiable from one officer to another, and so your honors have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this; Mr. Justice Wally had called this same Mr. Ware before him by a constable, to answer for a breach of Sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, yes. Well, then, said Mr. Ware, I will show you a little of my power. I command you to permit me to search your house for uncustomed goods, and went on to search his house from garret to cellar, and then served the constable in the same manner.

“But to show another absurdity in this writ, if it should be established, I insist upon it, every person, by the 14th Charles II., has this power as well as Custom House officers. The words are: ‘It shall be lawful for any person or persons authorized,’ &c. What a scene does this open! Every man, prompted by revenge, ill-humor, or wantonness to inspect the inside of his neighbor’s house, may get a writ of assistance. Others will ask it from self-defense, one arbitrary exertion will provoke another, until society be involved in tumult and blood.”

Notwithstanding these and many more arguments were enforced, with a zeal peculiar to the spirit of the occasion, and the manners of the pleaders, the writ of assistance was granted. In the midst of these disputes occurred the peace of 1763, which, though it produced a temporary calm, ultimately transferred hostilities from the confines to the very heart of the colonies

## CHAPTER IV.

### HISTORICAL SKETCH OF EVENTS FROM 1763 TO THE REPEAL OF THE STAMP ACT IN 1766.

Reasoning of the English and the Colonists on the Subject of Raising a Revenue in America—Attacks on the English Clergy in Massachusetts and Virginia—Patrick Henry's Conduct—Navy Officers ordered to enforce the Laws of Trade—Mr. Grenville's Plan of Taxation—Inter-colonial Trade stopped—Sugar Act passed—Clause authorizing Suits in Admiralty Courts—Theories of different Parties as to Power of Parliament to tax Colonies—Publications in Massachusetts, Rhode Island, Virginia, Maryland, and other Colonies against Taxation—Representation in Parliament abandoned—Conciliatory Act ineffectual—Arguments against the Measure—Speeches of Col. Barré and Patrick Henry—News of Stamp Act having passed is received—Effect of it at Boston and elsewhere—Riots in Boston, New York, and other Places—Non-importation Association—General Court recommends a Congress—Declaration of Rights—Congress assembles at New York, and appoints a Speaker—Change in the English Ministry—Repeal of the Stamp Act—Singular Form of Act of Indemnity passed by General Court.

THE common object the English and the Provincials had in view, which had hitherto cemented their union, having been obtained by the overthrow of the French power in America, they cordially congratulated each other on their success. Flushed with victory, both claimed a full share of the merit of the triumph, and of the sacrifice of life and treasure at which it was obtained; but their attention was soon withdrawn from their conquests to their own relative position and rights. Great Britain lamented over the enormous expense of the war, and argued that, having relieved the colonies of a formidable and relentless foe, and enlarged their boundaries, it was but reasonable they should contribute to the reduction of the national debt, so greatly increased in their defense, as well as defray, for the future, the cost of their own government.

To this it was answered, You have not extended our territory, but added to your own empire. Had it not been for your ambitious wars in which, as dependencies, we have been unhappily involved, we should have preserved a friendly relation with our Gallic neighbors, and sustained a most advantageous and profitable trade with them. We were powerful enough to resist

aggression, and punish insult, and could have defended ourselves, as heretofore, without your assistance. If your expenses have been large, ours have been altogether beyond our means, and evince a generous participation in your undertakings, that justly entitles us both to gratitude and remuneration. Thirty thousand colonial soldiers have perished in the struggle, by disease, or the sword. We have expended more than sixteen millions of dollars, only five millions of which have been reimbursed by Parliament. Massachusetts alone has kept annually in the field from four to seven thousand men, besides furnishing garrisons, and supplying recruits to the regular army, and expended two millions and a half of dollars over and above the advances from the military chest. The small colony of Connecticut has, during the same period, raised two millions of dollars, while the outstanding debt alone of New York amounts to nearly a million. If the southern plantations have been less profuse, they have far exceeded all former experience, for Virginia, at the close of the war, had an outstanding debt of two hundred thousand pounds.

Beyond this the new argument became personal and bitter, for men more easily forgive an injury than an insult. The irregular levies of New England troops, though hardy, brave, and admirably suited for American warfare, made a sorry and grotesque appearance on parade; and the primitive manners, nasal pronunciation, and variegated and antique clothing of both officers and men, subjected them to the ill-concealed ridicule, or open insolence of the British army. On their part they knew and felt, that if they were inferior in drill and equipments to the regulars, they infinitely excelled them in the field, and pointed with great complacency to the numerous instances in which they covered their retreat, extricated them from ambush, and opened the way for their success. Much of the same arrogant assumption is still unhappily exhibited by the inhabitants of the Old World, on visiting the New, and with a similar unpleasant result.

The war had thus, as has been before observed, filled the provinces with soldiers and officers, all accustomed to active service, and an efficient, resolute, and experienced militia, who formed a formidable body of men, trained to regard a resort to arms as a natural and effectual means of deciding disputes. What the scheme of the English Ministry was for governing America, or raising a revenue from it, no one yet knew; but every body was

aware that some such intention, whether matured or not, was seriously entertained. Men's minds were filled with doubts and fears, and the Puritans, as of old, endeavored to increase the general discontent, by asserting that it was the intention of Government to subject them all to the hierarchy. In Massachusetts it had the effect (probably the only one designed, for there was no endowment to attack or confiscate) of still more alienating parties, and keeping alive the animosity, unhappily but too deeply rooted, of the people against England, her institutions, and her authority. In Virginia the case was different, for there was a stipend established by law, and the Dissenters and Democrats used all their influence to deprive the clergy, who were loyalists, of their means of support. The "parsons' due," as it was called, was, owing to the scarcity of gold and silver, made payable in tobacco, and came therefore within the class of claims popularly called, "Tobacco debts." A short crop having enhanced the value of that staple, a temporary act was passed, authorizing the payment of all such claims, at two-pence per pound weight. Subsequently, under pretense of an expected failure, a temporary law, commonly called the "Tender Act," was revived, whereby the incomes of the clergy were very materially reduced. This law, by the assistance of Sherlock, Bishop of London, was disallowed by the king, and suits were accordingly brought to recover the difference between the real value of the article and the fictitious standard. It was on the trial of one of these causes that Patrick Henry, afterward so celebrated, was first brought into notice. Knowing that the law and the court were both opposed to such a flagitious defense, he trusted to his powers of declamation, which were of no ordinary kind, and with such topics as religious liberty, the sacred rights of freemen, the odious royal veto, and the blessing of self-government on the one hand, and an excited audience and interested jurors on the other, he succeeded, by obtaining a verdict, in denuding the law of its power, and the clergy of their subsistence. The Assembly even went so far as to vote moneys to defend any further actions that the parsons might bring, who were thus compelled, notwithstanding their clear legal right, to submit to the unjust spoliation.

Distrust and disaffection were generally diffused throughout the country; and the rashness and indecision, open aggression, and ill-timed conciliation of the English Ministry, soon supplied abund-



ant materials for agitation. The agent of Massachusetts had informed the General Court that, at the commencement of the late hostilities, the Board of Trade had proposed a scheme of transatlantic taxation. In the course of the war, Pitt had intimated to more than one colonial governor, that when it was over, the authority of Parliament would be invoked, to extort from America the means of its own support. Peace was no sooner proclaimed than his successor hastened to mature a somewhat similar plan. Less difficulty was felt in asserting the right, than in devising means for putting it into execution. Still it was a question how it could be effected, without irretrievably alienating the natives. Duties on trade afforded the easiest, because a well-known and accustomed mode; while the objections to direct and internal taxation appeared almost insuperable. Even the first mode, it was obvious, would be attended with great difficulty in the collection. There would be frequent evasions or infractions of the law; and nothing short of a military force would insure success; but a standing army of ten thousand men, it was thought, would overawe all opposition.

No time, therefore, was lost in exacting a rigid compliance with the regulations of trade. Orders were issued to the officers of the navy in America, vigilantly to enforce the several acts of Parliament on that subject. Nothing could be more vexatious than the manner in which these instructions were executed, and nothing more impolitic than the measure itself; for it degraded the officers in their own eyes, by transforming them into tide-waiters and Custom House officials, and at the same time rendered them excessively obnoxious to the Provincials. They were not only uninformed of the cases in which ships were liable to penalties, but of those in which they were exempt from detention, and therefore obstructed the trade, without increasing the revenue. The evil was aggravated by the difficulty of redress. The Board in England could alone give relief, and the expense and delay of restitution, or satisfaction, often exceeded the original amount of the loss.

At that time a very lucrative trade was carried on between the American provinces and the colonies of Spain, and from New England to the French West India Islands. In the former, the merchant exchanged either British or their own manufactures for gold and silver, medical drugs, dye stuffs, and live stock. In the

latter they bartered their surplus goods and native productions for the rum, sugar, molasses, and money of the planters, both which branches of commerce were extremely profitable. This intercourse, though opposed to the letter of the acts of trade, had been heretofore openly connived at by the Custom House officials, but was now totally put an end to by the naval commanders, who, urged on by the prospect of prize-money, seized indiscriminately the ships engaged in it, whether belonging to subjects or foreigners.

Immediately afterward, and while the public mind was agitated by these vexatious proceedings, the attempt to raise a revenue, was openly announced and acted upon, imposts being resorted to in the first instance. In the year 1764, Mr. Grenville brought before Parliament his plan for raising a transatlantic revenue. He stated that, during the last four years sixty-three millions had been added to the national debt, a great part of which had been incurred for the necessary expenses of the war in America; that such was the state of the public finances, that it was necessary every part of the empire should contribute, according to its means, to lighten the public burden; that the charge of the Government in the plantations was £350,000 per annum, and that it was but reasonable that those who derived all the benefit of the expenditure, should submit to be taxed for its repayment. He then submitted several resolutions, to the following effect: That duties be laid on various enumerated foreign articles, imported from any place (excepting in some cases from Great Britain) into the British colonies and plantations in America; and a duty upon other articles, the produce of the colonies, exported to any other place than Great Britain; that a duty of three-pence sterling per gallon be laid on molasses and syrups, and an additional duty upon white sugars of the growth of any foreign American plantation, imported into the British colonies; that the produce of the duties so to be laid, to be paid into the Exchequer, and there reserved, to be from time to time disposed of by Parliament, toward defraying the necessary expenses of defending, protecting, and securing the British colonies and plantations in America; and that toward further defraying the said expenses, it might be proper to charge certain stamp duties in the colonies. A bill was accordingly brought in and enacted for imposing the duties as resolved upon, except as to stamps, which was postponed to the next year, as the Massachusetts agent reported "in com-

plaisance to the colonies, to give them an opportunity to pass it themselves, or some other equivalent," Mr. Grenville being willing, as he expressed himself, "to consult the ease, the quiet, and good-will of the colonies." In all this legislation the remonstrance of America was avoided by a rule of the House of Commons not to receive any petition against a money bill. This practice was founded on the principle of the people who were to pay the tax being present by their delegates in Parliament, and evidently proved the absurdity of the case before them, wherein they were the only party neither actually nor virtually represented.

This act, commonly called the molasses or sugar act, imposed a duty of three-pence instead of sixpence, which had previously existed, but had never been collected; and instead, therefore, of being a boon and a reduction of a tax, as represented by Grenville, virtually created a new and most oppressing burden. Its rigid enforcement by the navy officers created the utmost consternation among the people, who loudly and indignantly complained, that it had been passed without notice, whereby they were deprived of all opportunity of stating their objections to it.

The magnitude of the trade, thus obstructed or ruined, is expounded at length in the instructions given by Massachusetts to her agent in London. He was desired to urge on the Government that the business of the fishery, which would be broken up by the act, was estimated in Massachusetts alone at one hundred and sixty-four thousand pounds, and the vessels employed in it, which would be nearly useless, at one hundred thousand pounds; the provisions consumed in it, the casks for packing fish, and other articles, at twenty-two thousand seven hundred and upward; to all which there was to be added the loss of the advantage of sending lumber, horses, provisions, and other commodities to the foreign plantations as cargoes, the vessels employed to carry fish to Spain and Portugal, the dismissing of five thousand seamen from their employment, the effects of the annihilation of the fishery upon the trade of the province and of the mother-country in general, and its accumulative evils by increasing the rival fisheries of France. This was forcibly stated, as it represented the means of remittances to England for goods imported into the province, which had been made in specie to the amount of one hundred and fifty thousand pounds sterling, besides ninety thousand in the treasurer's bills for the reimbursement money within

the last eighteen months. The sources, they said, for obtaining this money were through foreign countries, by the means of the fishery, and would be cut off with the trade to their plantations.

The Minister, foreseeing the unpopularity of the act, inserted a clause to secure its execution, which proved to be as objectionable, respecting the rights of Americans, as its general principles. Penalties for the breach of this act, or any other relating to the trade and revenues of the British colonies, incurred in America, were made recoverable in any Court of Record or in any Court of Admiralty in the colony where the offense should be committed, or in any Court of Vice-Admiralty, which might be appointed over all America, at the election of the informer or prosecutor. Thus a trial by jury might be taken away, and a defendant might be forced from one end of the continent to another to support his claim in a Court of Vice-Admiralty, at an expense, perhaps, beyond the value of the property in question. And, after all, the act provided that he should recover neither costs nor damages, if the judge should certify that there was probable cause of seizure.

In the letter of instructions of the General Court to their agent, before referred to, founded on several letters from him, in which he had misconstrued their silence upon the business of the tax on molasses, and even the quartering of ten thousand troops in the colonies, into an assent to those measures, they observed that the sudden passing of the Sugar Act, and continuing a heavy duty on that branch of their commerce, was far from proving that any solid foundation existed for a hope which he had expressed, that a general disposition would be found to serve the colonies, and not to distress them; that no agent of the province had power to make concessions in any case without distinct orders; and that the silence of the province should have been imputed to any cause, even to despair, rather than to have been construed into a tacit cession of their rights, or an acknowledgment of a power in the Parliament of Great Britain to impose duties and taxes upon a people who are not represented in the House of Commons; that they were still more surprised at his letter respecting the quartering of an army on the colonies. "We conceive," said they, "nothing could restrain your liberty of opposing so burdensome a scheme. What merit could there be in a submission to so unconstitutional a measure? It is time enough to make a virtue

of necessity when we are compelled to submit to so unreasonable an establishment. We are extremely obliged to Mr. Grenville for his kindest expressions of regard to the colonies ; but we can not conceive it any favor that he will not think of any thing from America for the relief of Great Britain. Nor can we conceive it to be exactly agreeable to equity and justice that America should be at the whole charge of its government and defense. If all the colonists are to be taxed at pleasure, without any representative in Parliament, what will there be to distinguish them in point of liberty, from the subjects of the most absolute prince ? For besides maintaining internal provincial civil government among themselves, they must pay toward the support of the civil and military governments in Great Britain. Now it is conceived that no people on earth are doubly taxed for the support of government." As to the deferring of the Stamp Act, they observed that, " the first offer of suspending it in the manner, and upon the conditions mentioned, amounted to no more than this, that if the colonies would not tax themselves as they might be directed, the Parliament would compel obedience."

The fixing the duty on molasses at three-pence per gallon, seemed to them repugnant to the assurance given by the Ministry, that the colonies were not to be taxed for the support of the government at home ; for if America were to be assessed for her own more immediate wants and protection only, and two-pence might yield enough for that, to what purpose would it be to lay three-pence ? and the duty, in all good policy, should have been low at first, if it was right to lay any, and it might have been subsequently increased by degrees. But the business, if it would sustain any impost, would admit only of a light duty. They stated that Ireland was a conquered country, which was not the case with the northern colonies, except Canada ; yet no duties had been levied on it by the British Parliament. No internal nor external taxes had been assessed upon the people than by their own legislature, although many prohibitions have been made. That laying these restraints on dominions not represented in Parliament, should be exercised with great moderation ; but that this had better be exercised with the utmost rigor, than the power of taxing, for this last was the grand barrier of British liberty ; which if once broken down, all was lost ; that, in a word, a people might be free and tolerably happy without a particular branch



of trade, but without the privilege of assessing their own taxes, they could be neither.

The invitation given to the other colonies to associate in their opposition to the ministerial system of revenue, constituted an important leading measure in the revolution of the country, and has been denominated a declaration of rights, and a proclamation of political war between the patriots and the friends of the British Government in Massachusetts. As the controversy increased, the ground of the disputants became narrowed. Hitherto there had been three different theories held on the subject of the power of Parliament. The Ministry had recently asserted its right to bind America in all cases whatever. The opposition parties in the colonies conceded to it, in general terms, a superintending power to enact laws and regulations for the public good, in matters external, but denied its right to levy taxes. The people held it to be their essential right, as Englishmen, not to be subject to any tax, but what they had a voice in laying, in person or by their representatives; maintaining that this principle had been admitted in practice, by the colonies being allowed civil governments of their own, who had always voted supplies to the king greater than their proportion of the national expenditure, and were supported by their constituents; and affirmed that their representatives in these governments were the only proper judges of their ability to grant money, a British House of Commons being at too great a distance to be well informed, and too much interested in laying heavy burdens upon the colonies, in order to lighten their own.

The loyalists, for the sake of British connection, and to preserve the peace of the country, were willing to submit to the power thus assumed by Parliament, but differed from the Government as to the mode of raising the revenue. The Ministry were desirous of receiving the proceeds through the exchequer, the royal party for raising and appropriating them in the country, while some were for accommodating matters by proposing to leave external taxes to Government, and retaining all internal ones at home. As the temper of the opposition became irritated, their indisposition to make any concessions whatever became more and more apparent. A strong and energetic pamphlet, recently published by Mr. Otis, of Boston, entitled, "The rights of the British colonies asserted," was read and approved of by the

Assembly of Massachusetts. In this work the author scouted the distinction hitherto generally admitted between external and internal taxes; meaning in the one case impositions on trade, and in the other, on land or personal property. If trade might be taxed, he said, without the consent of the colonists, so might real estate; both were pronounced absolutely irreconcilable with the rights of Provincials as British subjects, and as men.

Similar tracts, more or less strong, appeared at the same time in Rhode Island, Maryland, and Virginia. The House followed up its opposition by a petition to Parliament. The resistance of Massachusetts to the new Sugar Act was echoed from Pennsylvania and Connecticut; while the address from the House of Representatives of New York was couched in such strong language, that no member of Parliament could be found to present it. Rhode Island adopted the same energetic course. In Virginia, the representatives agreed upon a petition to the king, a memorial to the House of Lords, and a remonstrance to the Ministry.

One of the objections to the right of Parliament to lay taxes on the people in the provinces, and legislate for them in other respects, was, that they were not represented in that body. It was a plan of some individuals, to have members from the colonies to sit in the British House of Commons. The Ministry were inclined to favor the measure; but it was soon after perceived that the representatives would be so few in number, that it would be no benefit, and it was never formally discussed in Parliament; but after this period it was universally repudiated by the Provincials themselves.

To counteract the probable unpopularity of the Sugar Act, several others were passed by the Imperial Government about the same time, to promote their trade, and increase the intercourse of the colonies with the mother country, such as "a bill for granting a bounty for the importation of hemp from America into Great Britain," "a bill to encourage the whale fishery," and another for granting leave for a certain time to export rice, from South Carolina and Georgia to other parts of America, on paying British duties. But unfortunately the disastrous effect of the recent regulations for a rigid enforcement of the laws of trade, by stopping the supply of money to the plantations, was certain and immediate, while the beneficial consequences of the conciliatory acts, if any, could only be remote. They had no effect whatever,

therefore, in withdrawing men's minds from the present embarrassments, and the great principle involved in the dispute.

Nothing, however, could prevail on the Ministry to relinquish the idea of internal taxes, and the Stamp Act, though not without considerable opposition in the Commons, passed by a majority of five to one. The London merchants concerned in the American trade, petitioned against it; but a standing rule, not to receive memorials against a money bill, excluded it as well as those of the local legislatures. Argument and invective were both resorted to ineffectually. Of the former, the principles were that it was absurd that colonists should be still thought to owe any submission to the Parliament, which had not authority enough to shield them against the violence of the executive; and more absurd still, that the inhabitants of Great Britain should pretend to exercise over them rights, which that very people affirmed they might justly oppose, if claimed over themselves by others. That it was their birthright, even as the descendants of Englishmen, not to be taxed by any but their own representatives; that the people of Ireland were much more virtually represented in the Parliament of Great Britain than it was ever pretended the Provincials could be, in consequence of the great proportion of Englishmen possessed of estates and places of trust there, and the number of Irish noblemen and gentlemen in both Houses of the Legislature; yet that, notwithstanding, England never claimed any right to tax the people on the ground of their being thus virtually represented among them. That, granting the British Parliament's right to make laws for the colonies, and even to tax them without their concurrence, there lay many objections against the stamps, inasmuch as those duties were laid gradually on the people of Great Britain, while they were to be saddled all at once with all their increased weight, on those of the colonies;\* that if those duties were thought so grievous in England, on account of the great variety of occasions in which they were payable, they must be to the last degree oppressive in the colonies, where the people in general could not be supposed so conversant in matters of this kind. Numbers did not understand even the language of these intricate laws, so much out of the course of what common sense alone might suggest to them as their duty, and common honesty engage them to practice.

\* Annual Register.

Of the latter kind, was the celebrated speech of Colonel Barré. In reply to Townsend, one of the ministers who supported it, and called the colonists "children planted by our care, nourished by our indulgence, and protected by our arms," he indignantly answered, "They planted by your care? No, your oppressions planted them in America. They nourished by your indulgence? They grew up by your neglect of them. They protected by your arms? Those sons of liberty have nobly took up arms in your defense. I claim to know more of America than most of you, having been conversant with that country. The people, I believe, are as truly loyal subjects as the king has, but they are a people jealous of their liberties, and will vindicate them, should they ever be violated. But the subject is too delicate, I will say no more."

News reached Virginia of the passing of the bill, while the House was in session. Patrick Henry, who had previously obtained notoriety by his attack on the "parsons' dues," brought forward a series of resolutions, claiming for the inhabitants of Virginia all the rights of born British subjects; denying any authority, except in the Provincial Assembly, to impose taxes upon them; and denouncing the attempt to vest the authority elsewhere, as inconsistent with the ancient constitution, and subversive of British as well as of American liberty. Upon the introduction of these resolutions, a hot debate took place. "Cæsar had his Brutus," said Henry, "Charles I. his Cromwell, and George III.—" "Treason! treason!" shouted the Speaker, and the cry was re-echoed from the House. "George III.," said Henry, firmly, "may profit by their examples. If that be treason, make the most of it."

If the tax on sugar and molasses, to raise a revenue, was denounced as inconsistent with charter rights, and the principles of British liberty, the Stamp Act, by which all printed or written public legal papers were liable to a duty, met with still stronger opposition. It was considered as an internal tax, for the purpose of raising money in the province for the use of Great Britain. So far, indeed, as the former act was not a mere regulation of trade, but intended to draw a revenue from the province, without the consent of the representatives, it was opposed and reprobated. As to the latter, there was no disguise or deception in the case; the professed object was to raise money for the public treasury



of England, except it should be all spent on the officers of the Crown in the province. Writs of all kinds, probate papers, deeds, and even diplomas for college degrees, were all subject to duty.

Although there never could have been any well-grounded hope that the Stamp Act would have been quietly submitted to in the colonies, yet the notice so publicly given of the intention to carry it through Parliament, and the delay occasioned thereby, enabled the demagogues, the clergy, and all opposed to British domination, to prepare the minds of the people for resistance. The news of the bill having received the royal assent, no sooner reached Massachusetts, than the people were infuriated to the highest degree. The ships in the harbor hoisted their colors half-mast high, in token of the deepest mourning ; the bells rang muffled ; the act itself was printed with a death's head inserted in the place where it is usual to fix the stamps, and cried publicly about the streets by the name of "Folly of England, and Ruin of America."

Essays soon followed, not only against the expediency, but even the equity of it, in several newspapers, one of which bore the significant title of "The Constitutional Courant, containing matters interesting to liberty, and no wise repugnant to loyalty, printed by Andrew Marvel, at the sign of the Bribe Refused, on Constitution Hill, North America." This paper had a still more significant vignette of a snake cut in pieces, with the initial letters of the names of the several colonies, from New York to South Carolina inclusively, affixed to each piece, and above them the words, "JOIN OR DIE." To these were added caricatures, pasquinades, *bon-mots*, and such vulgar sayings fitted to the occasion, as by being short could be most easily circulated and retained ; at the same time, by being extremely expressive, they carried with them more weight than arguments. These proceedings were followed by such others as might naturally be expected from them.

By the time the act itself reached the colonies, the populace were every where exasperated against it to such a degree, that they treated it with the utmost contempt and indignation. It was publicly burnt by them in several places ; and at the same time it was voted that thanks should be given to General Conway and Colonel Barré, two gentlemen whom they considered as



the most strenuous opposers of it in the British House of Commons ; that their speeches against it, and their pictures, should be requested, the latter to be hung up in their places of meeting, and the former to be inserted in the books destined to record their principal transactions. A great elm in Boston, at the corner of the present Washington and Essex streets, under which the opponents of the Stamp Act were accustomed to assemble, soon became famous as "liberty tree." Those persons, supposed to favor the Ministry, were hung in effigy on the branches of this elm. A mob attacked the house of Oliver, Secretary of the Colony, who had been appointed stamp distributor for Massachusetts, broke his windows, destroyed his furniture, pulled down a small building, supposed to be intended for their reception, and frightened him into a resignation. Jonathan Mayhew, the minister of the West Church in Boston (distinguished by his recent attack on the Society for the Propagation of the Gospel in Foreign Parts), preached a seditious sermon against the Stamp Act, taking the significant text, "I would they were cut off, which trouble you." The Monday evening after this sermon, the riots were renewed. The mob attacked the house of Story, Registrar of the Admiralty, and destroyed not only the public files and records, but his private papers also. They next entered and plundered the house of the Comptroller of the Customs ; and maddened with liquor and excitement, proceeded to the mansion of Hutchinson in the North-square. The lieutenant-governor and his family fled for their lives. The house was completely gutted.

The inhabitants of Boston, at a town meeting, unanimously expressed their "abhorrence" of these proceedings ; and a "civic guard" was organized to prevent their repetition. "Yet the rioters, though well known, went unpunished, a sure sign," says Hildreth, decidedly the most able and impartial of American historians, "of the secret concurrence and good-will of the mass of the community. It is only in reliance on such encouragements, that mobs ever venture to commit deeds of violence. Those now perpetrated were revolutionary acts, designed to intimidate—melancholy forerunners of civil war !"

Massachusetts was not alone in these demonstrations. The unpalatable law received similar, though less flagrant treatment in the other colonies. On the 24th of August, a Gazette extraordinary was published at Providence, with *Vox populi, vox*

*Dei* for a motto; effigies were exhibited, and in the evening cut down and burnt. Three days after, the people of Newport conducted three effigies of obnoxious persons, in a cart with halters about their necks, to a gallows near the Town House, where they were hung, and after a while cut down and burnt, amidst the acclamations of thousands.

On the last day of October a body of people from the country approached the town of Portsmouth (New Hampshire), in the apprehension that the stamps would be distributed; but, on being assured that there was no such intention, they quietly dispersed. The next morning all the bells in Portsmouth, Newcastle, and Greenland, were tolled, to denote the decease of liberty; and in the course of the day, notice was given to her friends to attend the funeral. A coffin, neatly ornamented, and inscribed with "Liberty, aged CXLV years," was prepared for the funeral procession, which began from the State House, attended with two unbraced drums.\* Minute guns were fired until the corpse arrived at the grave, when an oration was pronounced in honor of the deceased. The sermon was scarcely concluded, when some remains of life having been discovered, the body was taken up. The inscription on the lid of the coffin was immediately altered to "Liberty Revived;" the bells suddenly struck up a cheerful sound; and joy appeared again in every countenance.

In Connecticut, Mr. Ingersoll, the constituted distributor of stamps, was exhibited and burnt in effigy in the month of August; and the excitement at length became so general and alarming, that he resigned his office. In the same month, the spirit discovered by the citizens of New York produced a similar resignation. The stamp papers arriving toward the end of October, Lieutenant-governor Colden took them into Fort George, and extraordinary preparations were made to secure them. On the 1st of November, many of the inhabitants, offended at his conduct, and disliking his political sentiments, having assembled in the evening, proceeded to the walls of the fort; broke open his stables, and took out his carriage. After carrying it through the principal streets of the city, they marched to the common, where a gallows was erected, on which they suspended his effigy, with a stamped bill of lading in one hand, and a figure of the devil in

\* Holmes' Annual Register.

the other. When it had been hung a sufficient time to gather a great concourse of people, they carried it in procession with the gallows entire to the gate of the fort, when it was removed to the bowling-green, under the muzzle of the guns, where a bonfire was made, and the whole pageantry, including the carriage, was consumed, amidst the acclamations of several thousand spectators. They next proceeded to the house of Major James, a friend of the Ministry, and after plundering it, consumed every article of furniture in a bonfire.

At Philadelphia, on the appearance of the ships having on board the obnoxious papers, all the vessels in the harbor hoisted their colors half-mast high ; the bells were muffled, and continued to toll until evening ; and Mr. Hughes, the stamp-master, found it necessary to resign. In Maryland, Mr. Hood, the distributor for that colony, to avoid resignation, fled to New York, but he was constrained by a number of Sons of Liberty to sign a paper declaring his absolute and final resignation. In Virginia, the officer arriving at Williamsburg in the evening, was immediately urged to relinquish his commission, and upon complying, received the acclamations of the people. At night the town was illuminated, the bells were ringing, and festivity expressed the universal joy.

Although, by the resignation of the distributors, the colonists were laid under a legal inability for doing business according to parliamentary laws, yet they adventured to do it, and risked the consequences. Vessels sailed from ports, as before ; and the courts of justice, though suspended a while in most of the colonies, at length proceeded to business without stamps. As a retaliatory measure, a general combination was formed, for the non-consumption or importation of British manufactures. A retrenchment in the use of foreign articles, especially at funerals, the encouragement of their own manufactures, and the consequent reduction of importations from England, were the expedients first resorted to. This was to advance their own country, at the expense of a powerful interest in the parent state, which might influence the Ministry to reconsider and repeal their acts. Nor was the state of American manufactures unpropitious to such measures. The smelting of iron ore had been brought to such perfection as greatly to check the importation of it from foreign countries. Potash had become a considerable article of exportation ; and the

making of coarse woolens had so prevailed as to afford essential aid in clothing.

As soon as the General Court met at Boston, after the passage of the act, it proceeded to take into consideration the state of public affairs. After discussing the difficulties of the colonies, and what dutiful address it might be proper to make to his Majesty and the Parliament, respecting the late laws, they proceeded to lay the foundation of the American Revolution. They voted that it was highly expedient there should be a meeting, as soon as might be, of committees from the House of Representatives or Burgesses in the several colonies on this continent, to consult together on their present circumstances, and the difficulties to which they were reduced by the operation of the late acts of Parliament for laying duties and taxes on them, and to consider of a general and humble address to his Majesty and the Parliament, to implore relief. They then agreed that the meeting should be held at New York, on the first Tuesday of October following, and directed letters to be forthwith prepared and transmitted to the respective Speakers of the several Houses of Representatives or Burgesses, to advise them of this resolution, and to invite them to join, by their committee, in the meeting. The House then prepared the form of a circular letter, and appointed a committee in behalf of Massachusetts, consisting of three persons, to carry out these objects.

With reference to the late riots, so notoriously instigated by the leading men of the colony, their answer to the queries was distinguished for that cautious evasion which had ever characterized the Puritans. We inherit, they said, from our fathers, the highest relish for civil liberty; but we hope never to see the time, when it shall be expedient to countenance any methods for its preservation, but such as are legal and regular. When our sacred rights are infringed, we feel the grievance; but we understand the nature of our happy constitution too well, and entertain too high an opinion of the virtue and justice of Parliament, to encourage any means of redress, but what are justifiable by that constitution.

They then passed, by a unanimous vote, several resolutions, which have since acquired great celebrity, as forming the basis of all subsequent declarations of American rights. They asserted that there were certain essential rights common to mankind,

founded in the law of God and Nature, and that they were recognized by the British Constitution; that the inhabitants of the province were entitled to those rights, in common with all men, and that no law of society could justly deprive them of the enjoyment of them—that no man could take the property of another without his consent, and that on this principle is founded the right of representation in the same body which made laws for raising taxes; that by the royal charter, the people of the province were entitled to all the liberties and immunities of free and natural subjects of Great Britain; that they appertained to the people of the province in common justice, as they settled the country at their own expense, and had defended themselves in time of danger, and having large taxes to pay for the support of government in the colony, it would be unjust to require them to assist in the support of that of England; that a representation of the people in Parliament was impracticable, and therefore the powers of legislation were allowed to be exercised in America; that, therefore, all laws made by any power whatever, other than the General Assembly of the province, imposing taxes on the inhabitants, were infringements of their inherent and inalienable rights, as men and British subjects, and rendered void the most valuable declaration of their charter. They also complained of the powers exercised by the Courts of Admiralty, where there were no juries, and cases were decided in a capricious and arbitrary manner. These resolutions the House ordered to be recorded, “that a just sense of liberty, and their firm sentiments of loyalty, might be transmitted to posterity.”

While the General Court was sitting, a vessel arrived from England with large quantities of stamped paper for Massachusetts, New Hampshire, and Rhode Island. The governor, at a loss how to dispose of them, and probably anxious to avoid giving offense, asked the advice of the Council, who referred him to the House of Representatives. The House said, in reply to the message on the subject, “that as the stamps were brought into the province without their directions, it might prove of ill consequence to them to take any concern in the matter.” He then again asked the opinion of the Council, as to the proper disposition of the stamps, who advised that they be deposited at the Castle, to wait the orders of the British Ministry. By the 1st of November, the time the act was to take effect, not a sheet of stamped paper was to be



had throughout the several colonies of New York, New England, New Jersey, Pennsylvania, Virginia, Maryland, and the two Carolinas, except a small parcel, which the governor of New York, terrified by the threats of the enraged populace, had surrendered into the hands of the corporation of that place, on condition of their not being destroyed like the rest; so that all business, which could not be legally carried on without stamps, was at once suspended, except that of publishing newspapers, which the printers still continued; pleading, in excuse, that if they did not, the populace would serve them as they had done the stamp-masters themselves.

But the consequence of this stagnation was soon felt so severely, that the inhabitants began to think how they could effectually elude it. To this end some wag, fruitful in expedients, sent to the printers at Boston a thin piece of bark, on which he had written, that it being neither paper, parchment, nor vellum, he would be glad to know if instruments, written on such stuff, might not be valid, though not stamped; in which case, he was ready to supply with good writing-bark all those whose consciences were bound by the late act. At last, the governors of some of the provinces, though bound by the laws to swear to see it observed, under the severest penalties, finding the total stoppage of all public business so injurious to the community, thought proper to dispense with the the use of stamps, grounding their justification on the absolute impossibility of procuring any; and accordingly granted certificates of that impossibility to all outward bound vessels to protect them from the penalties of the act in other parts of his Majesty's dominions.

To testify their indignation still further, combinations against the trade of England became every where general. The merchants entered into the most solemn engagements with each other, not only not to import any goods from Great Britain, let the consequences be what they would, and to recall the orders they had already given, if not obeyed by the 1st January, 1766, but even not to dispose of any British goods sent them on commission, that were shipped before that day: or if they consented to any relaxation from these engagements, it was not to take place till the Stamp Act, and even the Sugar and Paper-money Acts, were repealed. The people of Philadelphia likewise resolved, though not unanimously, that till such repeal, no lawyer should put in

suit a demand for money owing to a resident in America from one in England ; nor any person in America, however indebted in England, to make any remittances there.

These resolutions were adopted by the retailers, who unanimously agreed not to buy or sell any British goods shipped to them. At the same time, lest their own new woolen manufactories should fall short for want of materials, most of the inhabitants came to the resolution not to eat any mutton ; and to extend the influence of their resolution to those who did not join them in it, nor to deal with any butcher that should kill or expose any sheep for sale. The most substantial, and even fashionable people, were foremost in setting the example to their countrymen, by contenting themselves with home-spun or old clothes, rather than make use of any thing British, of which they were formerly so conspicuously fond. Such were the efforts of all ranks, and so prudent their measures, that many now began to be convinced of what they had till then thought impossible, that the colonies would soon be able to supply themselves with every necessary of life. When the value of imposts from Great Britain, nearly three millions annually is taken into consideration, it must be admitted that the mode of retaliation was one likely to be severely felt, and deeply lamented by a trading people, like the English.

In the midst of this general excitement, at the day appointed by Massachusetts, committees from nine colonies met at New York, and the Congress was organized by the appointment of a President. One of the first rules adopted was, to give each colony represented one vote. In the course of a three weeks' session, a "Declaration of the Rights and Grievances of the Colonies" was agreed to. All the privileges of Englishmen were claimed by it as the birth-right of the colonists ; among the rest, the right of being taxed only by their own consent. Since distance and local circumstances made a representation in the British Parliament impossible, their delegates, it was maintained, could be no other than the several colonial legislatures. A petition to the king, and memorials to each House of Parliament, were also prepared, in which the cause of the Provincials was eloquently pleaded. To these proceedings, the several colonial assemblies, at their earliest session, gave their cordial approval.

A change in the English Ministry, which took place in July, and the news of which reached America in September, encour-

aged the colonists in the stand they had taken. This change originated in domestic reasons, wholly unconnected with the American polity ; it was regarded, however, as favorable to the general cause of freedom. The old Whig aristocracy which had governed the kingdom since the accession of the House of Hanover, had split up of late into several bitter and hostile factions, chiefly founded on mere personal considerations. Pitt's repeated attacks on former ministries, and at last, his forcing himself into power, had contributed not a little to this result. The accession of George III. had given rise to a new party, by which Pitt himself had been superseded. In the address from the throne, at the opening of the session, the new Ministers brought the state of colonial affairs before Parliament. They produced the correspondence of the provincial governors, and other papers relating to the late disturbances. Numerous petitions from British merchants for the repeal of the Stamp Act were also presented to the two Houses.

Pitt now appeared in his place in the House of Commons, and delivered his opinion, "that the kingdom had no right to lay a tax on the colonies. The commons in America, represented in their several Assemblies, have invariably exercised the constitutional right of giving and granting their own money ; they would have been enslaved if they had not ; at the same time this kingdom has ever possessed the power of legislative and commercial control. The colonies acknowledge your authority in all things, with the sole exception that you shall not take their money out of their pockets without their consent." "We are told America is obstinate," he said, "and is almost in open rebellion. Sir, I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty, as voluntarily to submit to be slaves would have been fit instruments to make slaves of all the rest." "The Americans have been wronged ! They have been driven to madness by injustice ! Will you punish them for the madness you have occasioned ? No ! Let this country be the first to resume its prudence and temper ; I will pledge myself for the colonies, that on their part animosity and resentment will cease."

The new Ministry were under no obligation to support the policy of their predecessors. Anxious to escape the difficulty by the readiest means, they brought in a bill for repealing the Stamp

Act, which in spite of a very strenuous opposition, on the part of the supporters of the late Ministry, was carried in the Commons by a vote of two hundred and seventy-five, to one hundred and sixty-seven. A resolution of the House of Commons had demanded indemnity from the colonies for such Crown officers as had suffered losses in the late Stamp Act riots: New York promptly complied. After much urging by the governor, Massachusetts passed a similar act; but a free pardon to the rioters, inserted in it, betrayed the state of public feeling and gave great offense in England.

The preamble to this bill contains the following extraordinary recital: "As the King's Most Excellent Majesty, from a desire that the sufferers in the late riots should be compensated, and a vail be drawn over the late unhappy excesses, has been pleased to signify his intention to forgive and forget them, at the same time in his abundant clemency *recommending* compensation to the sufferers; from a grateful sense of his Majesty's grace and clemency, in order to promote peace and safety, to make compensation to said sufferers, and thus to demonstrate to the world the happiness we enjoy in being a part of the British Empire, and being entitled to the rights, liberties, and privileges of British subjects, we, His Majesty's most dutiful and loyal subjects, the representatives of the *Commons* of this province, in General Court assembled, have resolved to give and grant, &c." They resolved that their reasons for making the compensation were "from a loyal and grateful regard to the king's mild and gracious *recommendation*, from deference to the opinions of the illustrious friends of the colonies in England, and for the sake of internal peace and order, without regard to any interpretation of His Majesty's *recommendation, into a requisition precluding all debate and controversy*; under a full persuasion that the sufferers had no just claim on the province; and that this compliance ought not, hereafter, to be drawn into a precedent."

## CHAPTER V.

FROM THE REPEAL OF THE STAMP ACT TO THE BATTLE OF BUNKER'S HILL, AND THE COMMENCEMENT OF THE AMERICAN REVOLUTION.

Joy at Repeal of Stamp Act—Fresh Discontent as to Continuance of the Sugar Act—Townshend's Scheme for raising a Revenue, maintaining a Standing Army, and giving permanent Salaries to Governors and Judges—Tax on Paper, Glass, Lead, and Tea—New York refuses to provide for quartering the Troops—Its Assembly restrained from Legislative Functions—Board of Revenue established in America—Pennsylvania instructs her Agents to oppose the Tea Act—Massachusetts addresses a Circular Letter to the other Colonies on the Subject—Office of Secretary of State for the Colonies created—Lord Hillsborough calls upon the General Court to rescind the Proceedings relative to its Circular Letter, but it refuses—Most of the Colonies approve of the Conduct of Massachusetts—Seizure of the Sloop "Liberty"—The Mob assaults the Commissioners, and attacks their House—They take refuge on board of a Man-of-war, and afterward retire to Castle William—Town Meeting called to consider the Subject of Troops being allowed in Boston—People advised to arm themselves—A Convention meets, but the Governor will not acknowledge it—Arrival of two Regiments from Halifax—Proceedings as to quartering them—One Regiment encamped on the Common, the other lodged in the Town Hall—Proceedings in Parliament relative to the State of the Colonies—General Court adjourned to Cambridge—Refuses to provide for the Troops—Conduct of the other Colonies—Lord Hillsborough informs the Colonial Assemblies that he will repeal all the Duties except that on Tea—Mob at Boston attacks a Picket Guard of Soldiers, who fire and kill three Persons—Trial and Acquittal—The Governor surrenders Castle Island to the Commander of the Forces—People refuse to observe a Day of Thanksgiving—Association not to use Tea—Proceedings as to the Governor and Judges receiving their Salaries from England—Destruction of the armed Schooner "Gaspé"—People refuse to allow Tea to be landed—A Cargo thrown into the Harbor—Proceedings in the other Colonies relative to the Tea Ships—Act of Parliament for closing the Port of Boston—Another for amending the Charter—Legislature of Massachusetts—Advise a Congress, and name the 1st of December and Philadelphia as the Time and Place of Meeting—The last General Court—Meeting of Congress—Declaration of Rights and other Proceedings—Non-intercourse agreed upon—The General Court resolve themselves into a Provincial Congress, and vote to raise twelve thousand Men, &c.—King's Stores seized at Rhode Island and New Hampshire—Proceedings in Parliament—Skirmish at Lexington—Commencement of the Revolutionary War.

THE repeal of the Stamp Act called forth the most lively demonstrations of joy throughout the colonies; but this exultation arose as much from triumph as from relief from an impost. The



contest had exhibited the utter inability of English officials to execute enactments opposed to the interests and inclinations of the inhabitants, and satisfied the most timid of the power of the Provincials, if united, to resist either the laws or the arms of the mother country. It invited opposition, and where there is a disposition to quarrel, subjects of dispute are never wanting.

Although the Stamp Act was repealed, the Sugar Act, slightly modified, remained on the statute book, and was rigidly enforced. With a singular misapprehension of the character of the people for whom they were legislating, the Ministry accompanied almost every additional restriction with a corresponding boon. Thus, by an amendment of the latter law, all direct trade with France was prohibited; while, to soften the harshness of the measure, iron and lumber were allowed to be exported to European ports, south of Cape Finisterre. The one was regarded as an invasion, and the other as no more than an admission of right. The former, therefore, was resented as an injury, and the latter received with indifference or silence.

Townshend had now become Chancellor of the Exchequer, who whatever his abilities might have been, could lay no claim to consistency of conduct, one of the first qualifications of a statesman. He had voted for the Stamp Act, and strenuously supported its repeal, an acknowledgment of error that induced the Americans to think his political advancement to the important office he held was a special mark of Divine favor. What, therefore, was their astonishment, when they heard that his first measure was to introduce a bill to raise a transatlantic revenue, for maintaining a standing army in the colonies, and for securing permanent salaries to governors and judges, and thereby rendering them independent of the local Assemblies. While he affected to base this law on the distinction taken between internal and external taxation, he violated the principle by imposing duties on certain British productions, such as paints, paper, glass, and lead, to which was added another article, tea, afterward rendered so notorious. This law was supposed to be of easier execution than the Stamp Act, and it passed with little or no opposition. It received the royal assent on the 29th of June.

The preamble states that the duties were laid "for the better support of government, and the administration of the colonies." One clause enabled the Crown, by sign manual, to establish a

general civil list throughout every province of North America, to an indefinite extent, with salaries, pensions, or appointments. It provides, that after all such ministerial warrants, under the sign manual, "as are thought proper and necessary," shall be satisfied, the residue of the revenue shall be at the disposal of Parliament. Contemporaneously with the Stamp Act a law had been passed by Parliament, that obliged the several Assemblies to provide quarters for the soldiers, and furnish them with fire, beds, candles, and other articles, at the expense of their respective colonies.

The British government receiving intelligence that New York had refused to provide for quartering the troops, a law was passed "for restraining the Assembly of that province from all legislative functions, until it had complied with the Act of Parliament for the furnishing his Majesty's troops with the requisite necessaries." The suspension of the House of Representatives in one colony justly excited alarm in all the rest; for it was perceived that, by a parity of reason, others might be put on their trial for good behavior, of which the British Ministry would be the sole judges. Georgia displayed some stubbornness on this same point; but the withdrawal of the troops, leaving the colony exposed to Indian invasion from without, and negro insurrection within, soon brought the Assembly to terms.

The Parliament also passed an act for establishing a Custom House and a Board of Commissioners in America. The act was to come into operation after the 20th day of November; and, in the beginning of that month, three commissioners arrived at Boston. The colonists, believing that this board was designed to enforce the new duties, were inflamed against them and their employers to the highest degree, and pronounced the appointment unconstitutional and oppressive. This measure called forth additional essays on colonial rights, and, among others, the celebrated "Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies," which had a rapid and extensive circulation throughout North America. The passage of these acts, and the determination they evinced to raise a transatlantic revenue, brought the Provincials in a body to the ground originally taken by Otis, that imposts on trade, if designed for fixed purposes, were just as much a violation of their rights as any other tax. The acts accordingly met every where with the

utmost opposition, and were denounced in resolves, petitions, addresses, and remonstrances.

Early in February the Pennsylvanian Assembly took into consideration the act imposing duties on paper, glass, paints, and teas, and gave positive instructions to its agents to unite with those of the other plantations, in applying to Parliament for relief. The Assembly of Massachusetts adopted a more grave and extensive measure. They drew up a circular letter to the sister colonies, in which they observed that "they had taken into their serious consideration the great difficulties that must accrue to themselves and their constituents, by the operation of several acts of Parliament, imposing duties on the American provinces," related the steps which they had taken in petitioning the king, and requested their co-operation in suitable measures to obtain redress.

In their instructions to their agent, which is a very ably written paper, they furnished him, at length, with the arguments best suited to serve their cause.

"It is the glory of the British Constitution," they said, "that it has its foundation in the laws of God and Nature. It is a natural and essential right, that a man shall quietly enjoy and have the sole disposal of his own property. This is recognized in the constitution. And this natural and constitutional privilege is so familiar to the people in America, that it would be difficult, if possible, to convince them, that any necessity can render it just and equitable that Parliament should impose duties or taxes on them, internal or external, for the sole purpose of raising a revenue. The reason is obvious, that they are not represented, and their consent can not constitutionally be had in Parliament." "The security of property and right is the great end of government; and such measures as render right and property precarious, tend to destroy government also. But what property can the colonists be supposed to have, if their money can be granted away by others, and without their own consent? Yet this is the case at present, for they were in no sense represented in Parliament, when the act for raising a revenue in America was passed. The Stamp Act was complained of as a grievance, and is there any difference between the late act and that? They were both designed to raise a revenue."

Amid these distractions, a new establishment was created in  
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England, by which a Secretary of State was appointed to the department of the colonies, superseding, in many particulars, the power and authority of the Board of Trade, which was a most unwise measure. The letter of Massachusetts to the Assemblies of the other provinces, occasioned an order from Lord Hillsborough, who first filled the new office, to the king's representative, to call on the General Court to rescind the resolution on which it was founded, on pain of dissolution; while he, at the same time, addressed a circular dispatch to the governors of the several provinces to whom the seditious letter had been sent. "As his Majesty," he observed, "considers this measure to be of the most dangerous and factious tendency, calculated to inflame the minds of his good subjects in the colonies, and promote an unwarrantable combination, and to exhibit an open opposition to, and denial of the authority of Parliament, and to subvert the true principles of the constitution, it is his Majesty's pleasure, that you should immediately, upon the receipt hereof, exert your utmost influence to defeat this flagitious attempt to disturb the public peace, by prevailing upon the Assembly of your province to take no notice of it, which will be treating it with the contempt it deserves."

When the demand was made on the General Court to rescind the obnoxious proceedings, they replied to the governor that "that resolution has now no existence but as a mere historical fact. Your Excellency must know that it is, to speak in the language of the common law, not now executory, but to all intents and purposes executed. If, as is most probable, by the word 'rescinding' is intended the passing a vote in direct and express disapprobation of the measure taken by the former House as illegal, inflammatory, and tending to promote unjustifiable combinations against his Majesty's peace, crown, and dignity, we must take the liberty to testify and publicly to declare that we take it to be the native, inherent, and indefeasible right of the subject, jointly or severally, to petition the king for the redress of grievances; provided always that the same be done in a decent, dutiful, and constitutional way, without tumult, disorder, and confusion. If the votes of the House are to be controlled by the direction of a Minister, we have left us but a vain semblance of liberty. We have now only to inform you, that this House have voted not to rescind; and that, on a division on the question,

there were ninety-two nays, and seventeen yeas." The next day the governor dissolved the Assembly.

Most of the other legislatures approved of the transactions of Massachusetts, and harmonized with that colony in resolves and petitions. Connecticut, New Jersey, Virginia, and Georgia had given a cordial response to its circular, and in Maryland and New York, Lord Hillsborough's interference produced an effect the opposite of what he desired. The Burgesses of Virginia voted a memorial to the Lords, and a remonstrance to the Commons, against the late acts of Parliament. They dwelt with particular force upon the act suspending the legislative powers of the New York Assembly. In consequence of these resolutions Lord Boute-tourt, who had succeeded Fouquier as governor, dissolved the local Parliament. The Assemblies of Maryland and Georgia having approved the proceedings of Massachusetts, were also dissolved. The New York Assembly still obstinately refusing to make the required provision for the troops, that body was dissolved in like manner.

But this appeal to the people made no change in the character or temper of the Burgesses. At a new election, the popular side was even strengthened. Meanwhile the merchants had been greatly irritated by increased strictness in the collection of duties, and by suits even for past breaches of the revenue laws. Great offense was also taken on another subject: on the arrival of the sloop "Liberty," laden with wine from Madeira, it appeared that she had discharged her cargo, and in part reloaded with a quantity of oil, which was done under pretense of converting her into a store, without any attention having been paid to the new laws, or to the Custom House regulations. Upon the seizure, the officers made a signal to the "Romney" man-of-war, and her boats were sent manned and armed, who cut away the sloop's fasts, and conveyed her under the protection of that ship. The populace, having assembled in great crowds upon this occasion, pelted the commissioners of the customs with stones, broke one of their swords, and treated them in every respect with the greatest outrage; after which they attacked their houses, demolished the windows, and hauled the collector's boat to the Common, where they burned it, to the great delight of the mob. The officers of the customs, upon these extraordinary acts of violence, found it necessary for the security of their lives to retire on board the man-



of-war, from whence they removed to Castle William, a fortification on a small island in the harbor, where they resumed the functions of their office.

In the mean time, town meetings were held, and a remonstrance presented to the governor, in which the rights they claimed were supported in direct opposition to the Imperial Legislature, and an extraordinary requisition made that he would issue an order for the departure of his Majesty's ship the "Romney" out of the harbor. While things were in this unhappy situation, two regiments were ordered from Ireland to support the civil government, and several detachments from different parts of the continent rendezvoused at Halifax for the same purpose. No menace made by the most dangerous and cruel enemy could excite a greater alarm than this intelligence did at Boston, where it was regarded as an act of invasion or conquest. Upon the first rumor of it, a meeting of the inhabitants was immediately summoned at Faneuil Hall, where they chose one of their late popular representatives as moderator. A committee was then appointed to wait on the governor, to know what grounds he had for intimations he had lately given that some regiments of his Majesty's forces were expected in that town, and at the same time to petition him to issue precepts to convene a General Assembly. The governor answered that his information about the arrival of the troops was of a private nature, and that he could not call another Assembly until he received his Majesty's instructions, under whose consideration it now was.

A committee, which had been appointed to consider of the present state of affairs, gave in their report a long declaration and recital of their rights, and the supposed infractions of them, which had been lately made, and passed several hasty resolutions, particularly in regard to the legality of raising or keeping a standing army among them without their own consent. Among other things they recommended a convention of delegates to be chosen. But the most extraordinary act of this town-meeting was a requisition to the inhabitants that, as there *was a prevailing apprehension in the minds of many of a war with France*, they should accordingly be provided with arms, ammunition, and the necessary accoutrements, so as to be properly prepared in case of sudden danger. A day of public prayer and fasting was then appointed, and the meeting dissolved. Ninety-six towns appoint-

ed committees to attend the convention, whose first act on assembling was to send a message to the governor, in which they disclaimed all pretense to any authoritative acts, stating that they were chosen by the several towns, and came freely and voluntarily, at the earnest desire of the people, to consult and advise such measures as might promote peace and good order in their present alarming situation. They then reiterated their grievances, complained that they were grossly misrepresented in Great Britain, and pressed the governor in the most urgent terms to convoke a General Assembly. In reply, he admonished them, as a friend to the province, and a well-wisher to themselves, to separate immediately. This answer produced a message, wherein they justified their meeting as being only an assemblage of private persons, and desired explanations as to the criminality with which their proceedings were charged. The governor refused to receive that or any other communication from them, as it would be admitting them to be a legal assembly, which he would not by any means allow. The convention then appointed a committee, who drew up a report, in which they assigned the causes of their meeting, disclaimed all pretense to any authority whatsoever, and recommended the people to pay the greatest deference to Government, and to wait with patience for the result of his Majesty's wisdom and clemency for a redress of their grievances. Having then prepared a representation of their conduct, and a detail of many of the late transactions, to be transmitted to their agent in London, they returned to their homes. The day after they adjourned, the fleet from Halifax, consisting of several frigates and sloops of war and some transports, with two regiments and a detachment of artillery, arrived in the harbor. When the Council was called upon to find accommodation for them, they insisted that they should occupy the barracks out of the town, at the Castle; for if the act for quartering soldiers was at all applicable to them, it could only be so when no other provision could be found. When peremptorily ordered to do so, they said that it was the duty of the select-men, who, when applied to, shifted off the task upon the justices, who in their turn replied that raising or expending money belonged solely to the General Court. In the mean time two regiments were landed; one was encamped on the Common, and the other lodged in the Town Hall and other places, while preparation was made by the

governor for erecting a building for their reception ; but this was soon demolished by the mob.

When Parliament assembled, all the papers relating to the colonies, and particularly to the recent riots in Massachusetts, were laid before the two Houses. The Lords severely censured those proceedings, particularly the convention held at Boston. They approved of the conduct of the Ministry, and recommended instructions to the governor of Massachusetts, to obtain full information of all treasons, and to transmit the offenders to England, to be tried there under an old statute of Henry VIII. for the punishment of treasons, committed out of the kingdom.\*

In the spring of 1769 writs were issued for the choice of representatives, to meet at Boston, on the last Wednesday of May. When they assembled, before attending to the usual business of the session, or choosing Councilors, the House adopted resolutions and a protest, in which they declared that they would, to the utmost of their power, support and maintain a constitutional freedom in their elections, debates, and deliberations, that having an armed force by sea and land, in and near the metropolis, while the Legislature was in session, was a breach of privilege, and inconsistent with that dignity and freedom with which they had a right to deliberate and determine ; and they proceeded to take part in the elections of the day, from necessity only. When the governor found the House thus firm, he adjourned the General Court to Cambridge ; and there again reminded them, that much time had been spent, and the public business still remained undone. He stated what he thought necessary to be attended to, and requested them to dispatch it, that the Legislature might be adjourned.

“ We have already declared,” they said, “ our sense of the injury done this people, by the exertions of a few selfish men, who have caused the quartering of regular troops among us in a time of peace ; even in time of war, the act of Parliament only requires provision to be made by a colony for a short period, while they are on their way to their final destination. The whole continent has been sometime distressed with acts of Parliament, imposing taxes, for the purposes of raising a revenue from the people without their consent, or those of their representatives, and we take leave to say that we deem all such acts to be for laying

\* See Bradford's Hist. Mass.

a tribute for the purpose of dissipation among pensioners and placemen. And if the present be continued, it will be difficult to distinguish the case of widows and orphans in America, plundered by infamous informers, from those who suffered under the most oppressive of the Roman governors of provinces. The free representatives of the yet free people of America are called upon to advance such sums of money, as those may demand over whom we have no control. As the agents of the people, we ought to grant only what we think reasonable, and they have ability to pay. Your Excellency must excuse us, therefore, in this explicit declaration, that *as we can not consistently with our honor or interest, and much less with the duty we owe our constituents, so we shall never make provision for the purposes in your two messages mentioned.*"

Finding the representatives unmanageable, Governor Bernard prorogued the Legislature, and departed for England, leaving the administration in the hands of the lieutenant-governor, Hutchinson. Not long after, the grand jury of Suffolk county found indictments against him for libel, in writing letters to the king's Ministers, in which he slandered the inhabitants of the province. The spirit evinced in Massachusetts and Virginia, the two leading colonies, pervaded almost the whole continent. The Assembly of South Carolina refused to find quarters for the troops sent to that province, and they adopted the resolutions of Virginia, as did also the delegates of Maryland and Delaware.

The Legislature of North Carolina did the same thing, and was dissolved in consequence; but the members immediately re-assembled in their private capacity, as had been done in Virginia, and entered into a non-importation agreement, which now, for the first time, became pretty general. It had been adopted even in Georgia and Rhode Island, hitherto very backward. New Hampshire, also, in spite of Governor Wentworth's influence, was forced into it by threats of non-intercourse.

The partisans of the mother country were stigmatized as Tories, while the opponents of Parliamentary taxation took the name of Whigs, terms well understood in England. Toward the close of the session of Parliament, Pownall moved the repeal of Townshend's Act. But instead of meeting the measure by a direct negative, the Ministers proposed a reference of the subject to the next year. Shortly after the prorogation, Lord Hills-

borough addressed a circular to the colonial governors, announcing the intention to repeal the clauses of the act that imposed duties on British goods, it being regarded as "contrary to the true principles of commerce." But the duty on tea, and the right of parliamentary taxation being still adhered to, this concession had little effect.\* The seventeen months during which the British troops had been stationed in Boston (notwithstanding the agreement of the commanding officer to use only a single drum and fife on Sundays) had by no means reconciled the townspeople to their presence. The soldiers were subject to every species of annoyance. Wherever they went, they were followed by mobs, pelted, hooted at, and insulted. If found alone, they were hustled or beaten; if in small parties, they were challenged to fight, or provoked to commit a breach of the peace. At last, they were compelled either to remain in their quarters, or to go in sufficient numbers to defend themselves. So systematic and open was this ill-usage, that the people did not even abstain from it when the soldiers were on duty; and on one occasion attacked a picket-guard of eight men so furiously, that they fired into the crowd, killing three persons, and dangerously wounding five others.

This was the result aimed at throughout. The bells were rung, and a cry spread through the town, "The soldiers are rising." It was late at night; but the population poured into the streets; nor was it without difficulty that a general combat was prevented. The next morning, at an early hour, Faneuil Hall was filled with an excited and indignant assembly. At a town meeting, legally warned, held that afternoon in the Old South Meeting House, the largest building in the town, it was voted "that nothing could be expected to restore peace, and prevent blood and carnage, but the immediate removal of the troops."† The funeral of the slain, attended by a vast concourse of people, was celebrated with all possible pomp. The story of the "Boston Massacre," as it was called, exaggerated into a ferocious and unprovoked assault by brutal soldiers on a defenseless people, produced every where intense excitement. The officer and picket-guard were indicted, and tried for murder. They were defended, however, by John Adams and Josiah Quincy, two young lawyers among the most zealous in the popular cause;

\* See Hildreth's *Hist. United States*.

† *Ibid*.



and so clear a case was made out in their behalf, that they were all acquitted, except two, who were found guilty of manslaughter, and slightly punished.

By a singular coincidence, on the very day that this happened in Boston, Lord North brought forward the promised motion to repeal the whole of Townshend's Act, except the duty on tea. "That," he observed, "had been the occasion of most dangerous, violent, and illegal combinations in America against the importation and use of British manufactures. The English merchants had petitioned against it. As to articles of British produce, ever to have taxed them was indeed an absurd violation of established policy. The tax on tea stood on a different ground. When that was imposed, a drawback had been allowed on the exportation of tea to America; and as the colonists were thus relieved of a duty amounting on an average to a shilling a pound, they had no right to complain of a tax of three-pence, since they gained, in fact, nine-pence in the pound by the change. He could have wished to repeal the whole act, could that have been done without giving up the right of taxing the colonies—a right he would contend for to the last hour of his life. The proposed repeal, without any relaxation of authority, was intended as a persuasive to bring the colonists back to their duty. The existing combinations in the colonies against the use of British manufactures, he thought would soon come to an end. The obnoxious Quartering Act, limited by its terms to three years, was suffered silently to expire. But the Sugar Act, and especially the tax on tea, as they involved the whole principle of parliamentary taxation, were quite sufficient to keep up the discontent of the colonies."\*

In the summer of 1770, the lieutenant-governor surrendered the fortress of Castle Island into the hands of the commanding officer of the British troops. The House of Representatives remonstrated against it, as a gross breach of trust, and a most reprehensible disregard of the rights and safety of the people. But he pleaded ministerial instructions, and orders from General Gage at New York. To their agents in London, Franklin and Lee, the Assembly wrote, in most pressing terms, to procure them redress. The former, with his usual sagacity, foresaw the result of these continual struggles between the imperial and local legislatures. In one of his letters, dated in May, 1771, he said "he

\* See Bradford.

saw, in the policy of administration, that the seeds were sowing for a total disunion of the two countries. Men are appointed to office and power by the Ministry, who will be insolent and rapacious, and who will become odious to the people, and will misrepresent and calumniate them. They will complain, and apply to the parent government for more power, and for aid from the military. The oppressions on the people will lead to riots and violences. Greater force and rigor will be necessary to keep the people in subjection. Force will beget force in opposition. War will ensue, and the alternative will be absolute slavery or independence. I am no prophet; but history shows that by such steps great empires have been divided."

When the usual proclamation for a public thanksgiving was issued, in the fall of 1771, the people of Boston prevailed on the clergy of the town, and of some places in the country, to omit reading it. Their objection to it was "that it called on the people to give thanks for their civil and religious liberties." They said "it was not true, and that it would be acknowledging their political rights remained unimpaired, which all knew not to be the case. Their rights were denied and violated, and it would be mockery to thank Heaven for the continuance of such a state of things. The partial repeal of the taxes under the new act was considered so unsatisfactory, that some of the principal towns agreed that no tea should be imported, and that if any should be brought into their parts it should be smuggled, to avoid the payment of duty. An association was formed at the same time, not to use it until the obnoxious act should be repealed. The governor having announced to the Legislature that he had received instructions that his salary and those of the judges, would be paid by the Crown, instead of the province, in which the amount had hitherto been a subject of continual agitation, they were unwilling to be deprived of this source of annoyance. Far from regarding this payment as a favor, the House denounced it as a violation of the charter—no better in fact than a standing bribe. After the Court had adjourned, the people of Boston took up the matter. A town meeting was held, at which a large committee of the most active popular leaders was appointed to state the rights of the colonists, especially those of Massachusetts, "as men, as Christians, and as British subjects;" to communicate and publish the same to the several towns of the province and to the world,

with the infringements and violations from time to time made, and to request their sentiments on the subject.\*

Adams rendered himself prominent by his publications on this topic. He argued that the judges did not, in fact, hold their offices during good behavior, though such ought to be the tenure, for there was great danger of their becoming the mere tools of the British Government. Such was the temper of the times, that when the governor requested that the Province House, so called, in Boston, which had often been the residence of the chief magistrate, might be repaired and made fit for the reception of his family, the Court replied, that the building was intended for a governor who received his support from them; but as he chose to be maintained by the British Government, and declined a salary offered by the province, they did not feel obliged to be at any expense for his accommodation. So much was the importance of this matter exaggerated, that the committee to whom it was referred made a long report, in which they thought it necessary to preface this dreadful grievance, by asserting their inalienable and natural rights as men, for which they were indebted to none but their Creator, and with which no government or prince might interfere except by consent or contract. They then went on to claim equal privileges with their brethren in England, who were represented in Parliament. They added that the Christian religion gave its sanction to their views of civil liberty, and justified the authority which their fathers had always exercised. They then referred to their grievances, and to the various instances in which their rights had been infringed, and especially to the flagrant attempt of the Crown to bribe the governor and judges by paying their salaries. In their circular letter to the other towns in the province, they expressed their fears "that a system of despotism and oppression was preparing, which, unless soon and vigorously opposed, would seal their political degradation." "They should deeply regret," they said, "if there were not a spirit still existing such as animated their ancestors, which induced them, in the face of every difficulty and danger, to forsake their native country, and make a settlement *on bare creation*. *They were not afraid of poverty, but they disdained slavery.*"

Most of the towns in the province replied to this address, and manifested the same uncompromising temper. Nearly a whole

\* See Hildreth and Bradford.

session of their legislature was occupied with this subject. The House requested the judges to decline receiving their salaries from England. Three of them declared their readiness to accept them from the province, as they had done. But Mr. Oliver, the Chief Justice, said, "he dare not decline drawing it from England without leave first obtained from the king." It was then voted that, by this conduct he had become obnoxious to the good people of the province, and had rendered himself unfit to hold the office of a justice of the Court. The House then remonstrated to the governor and Council against the conduct of the Chief Justice, and prayed for his removal from office. The former refused to consult with them on the subject, on the ground that it belonged to the king alone to suspend or recall him. The Assembly then addressed themselves to the Council, and requested the governor to have the matter submitted to the board, but he took no notice of the application.\* The delegates thereupon resolved by a vote of ninety-six to nine, to impeach the Chief Justice of high crimes and misdemeanors, and both the branches passed a resolution for the adjournment of the Court to a distant day. It was proposed in the Assembly to memorialize the king to recall the governor, who had thus interposed his shield to protect the judges; but it was opposed by one of the members (Hawley) on this remarkable ground, "as his remove would deprive them of a cause of clamor."† A better key to their conduct is not to be found in the whole of their history.

The people were so far wrought upon by these measures, that the grand juries in Middlesex and Worcester, where the superior Courts were held in April, refused to take the usual oaths, or to proceed to business, until they were assured that Chief Justice Oliver would not attend. When a population had been so long trained to disregard authority, it was natural that they should soon break out into open acts of violence.‡ The "Gaspé," an armed schooner, which had been stationed at Providence, and had been very assiduous in supporting the laws of trade, excited much resentment by firing at the Providence packets, to oblige the masters to take down their colors, and by chasing them, in case of refusal, even into the docks. A packet coming up to Providence with passengers, and refusing to pay that tribute of

\* See Bradford.

† Chalmers's Hist. Am. Col.

‡ See Holmes's Annals. Hildreth.

respect, was fired at by the lieutenant, and chased. It being about high water, the packet stood in as closely as possible with the land, designing that the schooner should be run aground in the pursuit. The artifice succeeded. The "Gaspé" was soon fast, and the other proceeded to Providence, where a plan was laid to destroy the obnoxious vessel. Captain Whimble was immediately employed to beat up for volunteers; several whaleboats were procured, and filled with armed men; and about two o'clock the next morning, they boarded her as she lay aground. The lieutenant, with whatever was most valuable to him, was sent ashore, with the crew; and the cutter, with all her stores, was burned. A reward of five hundred pounds, together with a pardon, if claimed by an accomplice, was offered by proclamation, for discovering and apprehending any person concerned in this action.

In consequence of this daring outrage, an act of Parliament was passed, for sending to England for trial, all persons concerned, in the colonies, in burning or destroying his Majesty's ships, dockyards, or military stores. But though the perpetrators were well known, no legal evidence could be obtained against them. The British Government, though determined to carry into execution the duty on tea, attempted to effect by policy, what was found to be impracticable by constraint. The measures of the colonists had already produced such a diminution of exports from Great Britain, that the warehouses of the East India Company contained about seventeen millions of pounds of tea, for which a market could not readily be procured. The unwillingness of the directors to lose their commercial profits, and of the Ministry to forego the expected revenue from the sale of it in America, led to a compromise for the security of both. The former were authorized by law to export their tea free of duties to all places whatever; by which regulation, though loaded with an exceptionable tax, it would come cheaper to America, than before it had been made a source of revenue.

The crisis now approached, when the colonies were to decide, whether they would submit to be taxed by the British Parliament, or practically support their own principles, and meet the consequences. One sentiment appears to have pervaded the entire continent. The new Ministerial plan was considered as a direct attack on the liberties of the colonists, which it was the



duty of all to oppose ; and a meeting was held, when the agreement not to purchase or use tea was revived, and it was further determined that the article should not be landed at all. The consignees were desired not to receive it, or allow it to be taken from the vessels. They declined giving any such promise. A second meeting was called, when it was voted, "that the duty on tea was a tax on the people, imposed without their consent ; and that sending the article into the province in this manner was an attempt to enforce the plan of the Ministry to raise a revenue, and was therefore a direct attack on the liberties of the people ; and that whoever should receive or vend the tea would prove himself an enemy to the country."\* A committee of the town was again directed to wait on the consignees with a request that they would have no concern with the cargoes : but they returned an evasive answer, which was declared to be unsatisfactory.

When the tea arrived, another meeting was held in Boston, attended also by the inhabitants of other towns, some of them at the distance of twenty miles. There was an unusual excitement. It was said "that the hour of ruin or of manly opposition had come." The word went forth "for all who were friends of the country to make a united resistance to this last and worst measure of the English administration, to use all lawful efforts to prevent the landing of the tea, and to have it returned to England." The consignees became alarmed, and promised to advise that it should be sent back ; but this was not sufficiently decisive to satisfy the people.

In the mean time, application was made to the governor to order clearances for the vessels, that they might return ; but he declined, saying that it belonged to the officers of the customs to decide in such cases. He had already called upon the Council for advice as to a guard to prevent riots, and to protect the merchants in landing the teas ; but they refused to interfere in the affairs, as the civil magistrate was competent to order it. On the following day, the citizens again assembled, to learn the decision of the factors of the vessels and cargoes, when the sheriff appeared with a proclamation from the governor, which declared the meeting unlawful, and ordered the people to disperse. But a vote passed unanimously that they would not separate, as the meeting

\* See Bradford.

was regular, and their object important. They again resolved that they would prevent the landing of the tea, at every hazard, and requested the assistance of their fellow-citizens from the country towns, on due notice to be given, if the exigency should require it. Accordingly a number of men in disguise, as the meeting broke up, at the approach of night, proceeded to the vessels, and soon threw all the tea into the dock.

The people throughout the province approved of the resistance of the inhabitants of Boston, and declared their readiness to support them in opposition to all unjust and oppressive measures of the British Ministry. The opinion was increasing "that if they would maintain their rights and liberties, they must fight for them." The vessel bound for Pennsylvania was stopped four miles below the city, and information having just arrived of the destruction of the tea at Boston, the captain was persuaded to return to England without attempting to land his cargo. Another, similarly laden, destined for Boston, was wrecked on Cape Cod. The few chests of tea, saved from her cargo, were placed by the governor's order in the Castle; but some twenty more, brought by another conveyance on the private account of some Boston merchants, were thrown into the water. After great delays, the New York tea-ship arrived at Sandy Hook. The pilots refused to bring her up, and a Committee of Vigilance soon took possession of her. The captain was informed by a deputation that he must take back the ship and cargo; but the consignee refused to give any orders for that purpose. Meanwhile another vessel arrived, and on the assurance that she had no tea on board, was allowed to come up to the town. But a report to the contrary soon spread; and the captain was obliged to acknowledge that he had eighteen packages, not belonging to the East India Company, but a private adventure. The populace immediately seized them and threw them into the river.

A day or two after, with great parade, headed by a band playing "God Save the King," the bells ringing, and colors flying from the liberty pole and the shipping, the captain of the East India tea-ship was escorted from the Custom House to a pilot boat, which took him to the Hook, where, under the direction of the "Committee of Vigilance," the anchors were weighed, and the vessel started on her homeward voyage. The Charleston tea-ship reached that city without obstruction, and

landed her cargo; but it was stored in damp cellars, where it soon became utterly worthless.

Intelligence of the destruction of the tea at Boston\* was communicated on the 7th of March, in a message from the throne, to both Houses of Parliament, and the conduct of the colonists represented, as not merely obstructing the commerce of the kingdom, but as subversive of the British Constitution.† Although it was evident that the opposition to the sale of tea was common to all the colonies, yet the Parliament, enraged at the violence of Boston, selected that town as the object of legislative vengeance. A bill was accordingly passed by which that port was legally precluded from the privilege of landing and discharging, or of lading and shipping goods, wares, and merchandise. This act, which shut up the harbor of Boston, was speedily followed by another, entitled an act "for the better regulating the Government of Massachusetts." The object of this law was to abridge the charter of the province in several important particulars. The Council heretofore elected by the General Court, was to be nominated by the Crown; the Royal Governor was invested with the power of appointing and removing all judges of the inferior Courts of Common Pleas, Commissioners of Oyer and Terminer, the Attorney-general, Provost-marshal, Justices, Sheriffs, &c.; town meetings, which were sanctioned by the charter, were, with few exceptions, forbidden, without leave previously obtained of the governor in writing, expressing the special business for which it was called, and with a further restriction, that no other matter should be treated of, except the election of public officers; jurymen, who had been elected before, by the freeholders and inhabitants, of the several towns, were to be summoned and returned by the sheriffs of the respective counties. The whole executive government was taken out of the hands of the people, and the nomination of all important officers vested in the king or his representative.‡ In the apprehension that, in the execution of these acts, riots would take place, and that trials for murders, committed in suppressing them, would be partially decided by the colonists, it was provided by law, that if any persons were indicted for any capital offense, committed in aiding magistracy, the governor might send him to another colony, or to Great Britain, to be tried.

\* See Hildreth, vol. II.

† Holmes, vol. II

‡ Ibid.

These three acts were passed in such quick succession as to produce the most inflammatory effects in America, where they were considered as forming a complete system of tyranny. "By the first," said the colonists, "the property of unoffending thousands is arbitrarily taken away; by the second, our chartered liberties are annihilated; and by the third, our lives may be destroyed with impunity."

Shortly after this, General Gage arrived at Boston, and assumed the government. Having convened the Legislature at the capital, he addressed them in the usual form, and prorogued them to Salem. On the reopening of the court, in reply to his inaugural speech, they reflected so severely on his two immediate predecessors, that he refused to hear the answer read through. The representatives, as usual, returned to their grievances, passed resolutions advising the citizens of Boston to be firm and patient, and recommended their brethren of the other towns to assist the distressed people of the metropolis. They strongly urged an entire abstinence from the use of British goods, and of all articles subject to parliamentary duties. They also requested the governor to appoint a fast, and when he refused, ordered one themselves. They then decided "that a meeting of committees from the several colonies on this continent is highly expedient and necessary, to consult upon the present state of the country, and the miseries to which we are and must be reduced, by the operation of certain acts of Parliament; and to deliberate and determine on wise and proper measures, to be recommended to all the colonies, for the recovery and re-establishment of our just rights and liberties, civil and religious, and the restoration of union and harmony between Great Britain and America, which is most ardently desired by all good men." The 1st of September was designated as the time of holding this Congress, and Philadelphia the place of meeting. The Speaker, and four others, were chosen delegates. A treasurer was appointed, and the towns were called upon to pay in their respective shares of the sum of £500, voted to the delegates in payment of their expenses, to be assessed on the inhabitants according to the last appointment of local taxes.

Hardly was this business completed, when Gage, informed of what was going on, sent the provincial secretary to dissolve the Court. Finding the doors shut, and being denied admittance, he read on the steps the governor's proclamation, and thus terminated

the last session of the last Provincial General Court of Massachusetts.

The non-importation or consumption agreement recommended by it, had been adopted at a meeting in Boston, in the form of a "solemn league and covenant," to commence on the first of October following.

A committee, consisting of two members from each province, reported at this Congress, a "declaration of colonial rights," in which the enjoyment of life, liberty, and property were claimed. The privilege of being bound by no law to which they had not assented by their representatives, was asserted by them in their character of British subjects. The sole and exclusive power of legislation for the provinces, was declared to reside in their Assemblies, reserving to Parliament the enactment only of those laws that might be essential to the *bonâ fide* regulation of trade, but excluding all taxation, internal or external. The common law of England was insisted upon as the birthright of the people, including a trial by jury of the vicinage, the right of public meetings, and petition. A protest was also made against standing armies being maintained in the colonies without their consent; and against legislation by Councils dependent on the Crown. All immunities hitherto enjoyed in the plantations, whether by charter or custom, were claimed as established rights, beyond the power of the mother country to abrogate. Eleven acts of Parliament, passed since the accession of George III., the Sugar, the Stamp, and the two Quartering Acts, the Tea, the Quebec, that for suspending the New York Legislature, and the two Acts authorizing the trial in Great Britain of offenses committed in America, together with the Boston Port Bill, and the law for regulating the government of Massachusetts, were enumerated in conclusion, as having been passed in derogation of colonial jurisdiction. To enforce these claims, fourteen articles were agreed upon as the basis of an "American Association," pledging the subscribers to an entire commercial non-intercourse with Great Britain, Ireland, and the West Indies, and the non-consumption of tea and British goods: the former to be extended to such provinces of North America as should decline to come into the association, and to last till the obnoxious acts of Parliament should be repealed. The latter clauses were to commence in December, but those prohibiting importation were postponed for nine months longer.



Governor Gage had issued writs for holding a General Assembly at Salem, but afterward judged it expedient further to prorogue the meeting. The legality of the measure was questioned; and the new members, to the number of ninety, meeting according to the precept, and neither the governor nor any substitute attending, they resolved themselves into a provincial congress, and soon after adjourned to Concord. They there chose Mr. John Hancock president; and appointed a committee to wait on the governor with a remonstrance, concluding with an earnest request that he would desist from "the construction of the fortress, at the entrance into Boston, and restore that pass to its neutral state." The governor expressed himself indignantly at their supposition of danger from English troops, to any except enemies; and warned them to desist from their illegal proceedings. Without regarding his admonition, they adjourned to Cambridge, and, when reassembled, they appointed a committee to draw up a plan for the immediate defense of the province; resolved to enlist a number of the inhabitants, to be in readiness to turn out at a minute's warning; elected three general officers to command those minute-men and the militia, in case of their being called out to action; and appointed a committee of safety and another of supplies.

The same congress meeting again in November, resolved to raise twelve thousand men, to act on any emergency; that a fourth part of the militia should be enlisted, as minute-men, and receive pay; appointed two additional general officers, and sent persons to New Hampshire, Rhode Island, and Connecticut, to inform those colonies of its measures, and to request their co-operation, in making up an army of twenty-thousand men.\* A committee was appointed to correspond with the inhabitants of Canada, and a circular letter was addressed to the several ministers in the province, requesting their assistance in averting the threatened slavery.

Toward the close of the year, a proclamation, that had been issued by the king, prohibiting the exportation of military stores from Great Britain, reached America. The people of Rhode Island no sooner received an account of it, than they removed from the public battery about forty pieces of cannon; and the Assembly passed resolutions for obtaining arms and military

\* Holmes.

stores, and for raising and arming the inhabitants. In New Hampshire, four hundred men assailed his Majesty's castle, at Portsmouth, stormed it, and confined the garrison until they had broken open the magazine, and taken away the powder.\*

The British Government did not relax its coercive measures relative to the colonies. The king, in his speech to Parliament, toward the close of the preceding year (30th November), had stated, "that a most daring spirit of resistance and disobedience to the laws unhappily prevailed in the province of Massachusetts, and had broken forth in fresh violence of a very criminal nature; that these proceedings had been countenanced and encouraged in his other colonies, and unwarrantable attempts made to obstruct the commerce of his kingdom, by unlawful combination; and that he had taken such measures, and given such orders, as he judged most proper and effectual for carrying into execution the laws which were passed in the last session of the late Parliament, relative to the province of Massachusetts." An address, proposed in the House of Commons, in answer to his speech, and echoing it, produced a warm debate, but it was carried by a large majority. A similar address was carried, after a spirited debate, in the Upper House, but nine Lords entered a protest against it.

When the dispatches and papers relative to the colonies, were laid upon the table, a joint address from the Lords and Commons, was presented to his Majesty, in which they returned thanks for the communication of the official documents; gave it as their opinion, that a rebellion actually existed in the province of Massachusetts Bay; besought his Majesty to take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature: and in the most solemn manner assured him, that it was their fixed resolution, at the hazard of their lives and property, to stand by his Majesty against all rebellious attempts, in the maintenance of the just rights of the Crown, and the two Houses of Parliament. The next day, Lord North moved for leave to bring in a bill to restrain the trade and commerce of the provinces of New Hampshire, Massachusetts, Rhode Island, and Connecticut, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit those colonies from carrying on any fishery on the banks of Newfoundland, and any other places to be mentioned in the bill, under certain condi-

\* Holmes.

tions, and for a limited time. After much opposition, in both Houses, the bill was carried by a large majority.\*

While this bill was depending, Lord North suddenly moved what he termed a conciliatory proposition, the purport of which was that Parliament would forbear to tax any province, which should engage to contribute its proportion to the support of the civil government, and the administration of justice in such colony. This proposition, which at an earlier period of the dispute, would have been accepted as a great boon, had now no beneficial effect whatever, and was construed into an attempt to divide the Provincials.

Soon after Parliament had passed the bill for restraining the trade of New England, intelligence was received that the inhabitants of the middle and southern colonies were supporting their northern brethren in every measure of opposition, which occasioned a second bill to be brought in and passed, imposing similar restrictions on the colonies of East and West Jersey, Pennsylvania, Maryland, Virginia, South Carolina, and the counties on the Delaware. The three excepted colonies declined the favor, and submitted to the restraints imposed upon their neighbors. Tarring and feathering, and other acts of personal outrage, became now so common in Massachusetts, that all suspected partisans of the mother country were obliged to seek refuge with the troops.

A considerable quantity of military stores having been deposited at Concord, an inland town, about eighteen miles from Boston, General Gage proposed to destroy them. For the execution of this design, he, on the night preceding the 19th of April, detached Lieutenant-colonel Smith and Major Pitcairn, with eight hundred grenadiers and light infantry, who, at eleven o'clock, embarked in boats at the bottom of the Common in Boston, crossed the River Charles, and landing at Phipps' farm, in Cambridge, commenced a silent and expeditious march for Concord. On the arrival of the British troops at Lexington, toward five in the morning, about seventy men, belonging to the minute company of that town, were found on the parade under arms, with whom a conflict arose, that ended in the death of eight Americans. The British detachment then proceeded to Concord, where they disabled two twenty-four-pounders, threw five hundred pounds of ball into the river and wells, and broke in pieces about sixty barrels.

\* Holmes.

rels of flour. All the people of the adjacent country, were by this time in arms, and attacked the retreating troops in every direction. Some fired from behind stone walls and other coverts ; others pressed on their rear ; and thus harassed, they made good their retreat six miles back to Lexington. Here they were found by Lord Percy, who, most opportunely for them, had arrived with a detachment of nine hundred men, and two pieces of cannon. The close firing from behind stone walls, by good marksmen, put them into no small confusion ; but they kept up a brisk retreating fire on the militia and minute men. A little after sunset, the regulars reached Bunker's Hill, and the next morning marched into Boston.

The battle of Lexington, as this skirmish was called, was a signal of war. The forts, magazines, and arsenals throughout the colonies, were instantly secured for the use of the Provincials. Regular forces were raised, and money was issued for their support. An army of twenty thousand men appeared in the environs of Boston, and formed a line of encampment from Roxbury to the River Mystic. The army was soon increased by a large body of troops from Connecticut, under Colonel Putnam, an old and experienced officer ; and by these collective forces, the king's troops were closely blocked up in the peninsula of Boston. This was the commencement of the Revolutionary struggle. The battle of Breed's, or, as it is commonly called, Bunker's Hill, followed on the 15th of June, 1775 ; and on the second of July, Washington, who had been unanimously chosen by the Continental Congress, Commander-in-chief of the colonial army, arrived at the camp at Cambridge, and entered upon the arduous and difficult duties of his high and responsible office. Of the events of the war I shall not attempt to give any account, as they are wholly unconnected with the object of this work, and are all either well known or fully recorded in numerous contemporaneous histories both English and American. Its results are soon told. On the 30th of November, 1783, provisional articles of peace, between Great Britain and the United States, were agreed to be inserted formally into a treaty, by which the independence of the latter was acknowledged in its fullest extent.

Thus were thirteen extensive and valuable colonies severed from Great Britain at one time. On their part, they owed their origin to dissent and disaffection, and their independence to rebel-

ion. On the part of England, they were suffered to grow up to maturity in neglect. As soon as they became opulent, she resolved to tax them without their consent, and in the contest that ensued, showed that the injustice of the measure was only equalled by the imbecility with which it was attempted to be enforced.\* The annals of civilized countries may be searched in vain for such a series of "Rule and Misrule," as that exhibited by Great Britain in her conduct toward her American provinces.

\* Although the contest was a very unequal one, the disparity was not so great as appears at first sight. De Pradt, in his work entitled "The Colonies," has some very judicious remarks on this subject. See chap. XIII. p. 217, Lond. Ed. "Three millions," he says, "of Americans felt themselves strong enough to resist, with their whole mass, the detachments which England could send against them. England could put a fraction of her population—a very particle—in motion. America could defend herself with all hers. She had, therefore, no need to be equal to England in population, but only in that part of that population which was disposable against her; these never amounted to more than ten or twenty thousand English that could proceed to attack her; and, on her side, it was with the whole of her population that she was enabled to repel the attack. The former were under the necessity of making a long voyage, under all the disadvantages of maritime expeditions; the American population was at hand in the country. The parent state could not displace herself, in a body, as a nation; a nation, on the contrary, can defend herself, with the advantage of the presence of all its members on the theatre of war. The issue of the contest could not be doubtful, and never will be doubtful against proportion so very different. In all this there is but one thing that astonishes us, and that is, that a people so enlightened as the English ever engaged in such a contest."



## CHAPTER VI.

Reasons for confining Political Sketch solely to Canada—Proclamation for Establishing the Government at Quebec and Inviting Emigration—An express Promise given that the Laws of England should be introduced—First great Error was ordering a Code of Laws to be compiled for the French, restoring the old tenure of their Estates—Quebec Act—Character of Loyalists—Constitution Act 31 George III., c. 31, divides Canada into two Provinces—Form of Government—The above-named Acts of Parliament the Cause of all the Canadian Troubles—Mistake in allowing French to be the recording Language, and in giving Constitutional Government before People were ready to receive it—First House of Assembly—Proportion of English and French Members—Gradual Change in Character of Delegates—Impeachment of Judges—Repeated Reference to Parliament—Lord Aylmer entreats the Assembly to bring forward all their Grievances at once—Commission of Inquiry—Stoppage of Supplies—Distress of Public Officers—Rebellion—Thorne's Conduct—Arrival of Lord Durham—Review—Responsible Government—Enumeration of the Defects of the System—Remedies suggested.

At the conclusion of the War of Independence, there remained in possession of Great Britain but two provinces, Canada and Nova Scotia. The latter has subsequently been divided into two governments—one retaining its ancient name, and the other called New Brunswick. These two last I shall pass over altogether. In point of territory they are severally very extensive; but their population is still small, although it possesses the great advantage of being homogeneous, well affected, and easily governed. A sketch of their political history would therefore be devoid of general interest in Europe. My remarks will be \* exclusively applied to Canada; so much so, that although there is a striking similarity in the constitution of all, I shall not even notice those particulars in which they differ or agree, or allude to them in any way whatever. That which may be made to work satisfactorily in a small colony, like Nova Scotia or New Brunswick, is as obviously inapplicable to a vast country like Canada, peopled by two irreconcilable races, as that of Great Britain, with its House of Peers, system of entail, and intrinsic connection of Church and

\* The first part of this chapter has been abridged from more extended works of the author on colonial matters and from provincial histories.

State, would be to an American province. It does not follow therefore, that, where defects are pointed out in the structure of the Canadian Government, that they exist elsewhere under the same institutions ; for the character of the people, and their intelligence may be so different, that what is too democratic in one, may be too aristocratical or restrictive in the other. There, they may be so glaring as to require a remedy. Here, they may not be apparent, or if perceptible, not inconvenient. While at the same time, if their pressure is felt, modification only may be necessary, and not an organic change.

For this reason, I wish to guard myself from making sweeping assertions ; which, for the causes I have assigned, can not be in all cases accurate, inasmuch as they could not always stand the test of universal application. I shall not therefore enter into any comparisons or digressions whatever, but limit my observations to the “ Empire Colony” of Canada, the political changes of which I shall endeavor very briefly to sketch.

By the Treaty of Peace, in the year 1763, Canada was ceded in full sovereignty and right to his Britannic Majesty ; and the French inhabitants, who chose to remain in the country, were secured in the enjoyment of their property and possessions, and the free exercise of their religion. In the month of October following, his Majesty published a proclamation for erecting the Government of Quebec, and exhorted his subjects, as well of Great Britain and Ireland, as also of his Colonies in America, to avail themselves of the benefits and advantages that would accrue from this great and valuable acquisition to their commerce, manufactures, and navigation. As an encouragement to them to do so, he informed them that in the commission he had forwarded to the Civil Governor, he had given him express power and directions to summon, so soon as circumstances would admit, a General Assembly, in such manner as was used in those colonies in America, which were under his Majesty’s immediate government ; and until a Legislature could be organized, all persons resorting there might confide in the royal protection, for the enjoyment of the benefit of *the laws of his realm of England* ; that for that purpose, he had given power under the Great Seal to the governor, to erect and constitute Courts of Judicature, for the hearing and determining of all causes, as well criminal as civil, as near as might be, *agreeably to the laws of England* ; and with liberty to all persons to

appeal, under the usual limitations and restrictions, to his Majesty in his Privy Council.

It appears, therefore, both from the proclamation and commission, that the Ministry were evidently of opinion that, by the refusal of General Amherst, to grant to the Canadians the continuance of their ancient laws and usages, and by the reference made in the fourth article of the definitive treaty of peace, to those of Great Britain, as the measure of indulgence intended to be shown them with respect to the exercise of their religion, sufficient notice had been given them that they would be governed for the future *according to the laws of England*. It is evident also, that the inhabitants, after being thus apprised of his Majesty's intention, had testified their consent by continuing to reside in the country, and by taking the oath of allegiance, when they might have withdrawn themselves, with all their effects, within eighteen months, allowed by the treaty of peace for that object. In consequence of the introduction of the *laws of England* into the province, the governor, in an ordinance, dated the 17th day of September, 1764, directed the Chief Justice and other judges of the province to determine all criminal and civil causes, agreeably to them, with this just and prudent proviso, that the French laws and customs should be allowed and admitted in all causes in said court, between the natives of the province, in which the cause of action arose before the first day of October, 1764.

In consequence of these instruments of government, the *laws of England* were generally adopted. At this time the population of Canada amounted to 65,000 souls, and was chiefly confined to the banks of the St. Lawrence and its tributary streams. As the people had now become British subjects, it was deemed expedient to introduce, as soon as possible, emigrants of English extraction, as well for the purpose of creating a defensive power within the province, as to induce the French to acquire the language and adopt the habits of their conquerors. The officers and soldiers of the army, that had served in America during the inter-colonial wars, were rewarded with grants of land in the country; and liberal offers were made to the people in the other colonies, and to emigrants from Europe, to remove thither. The facilities of internal transport, the fertility of the soil, and salubrity of the climate, operated so powerfully, that, in a short time, the influx of strangers was so great as to induce the hope that it would speedily

rival the New England states in population and wealth; and no doubt can now be entertained that, if the terms of the proclamation had been honestly adhered to, these expectations would have been fully realized.

As a matter of policy, nothing could have been more wise than, since it had now become a British colony, to endeavor, as soon as possible, to make it so in fact, as well as in name. The first fatal error that was committed was ordering a code of laws to be prepared, with such modifications as would secure to the French the system of tenure and inheritance to which they had been accustomed. This occasioned much delay, and enabled their leaders to represent that any change would alienate the affections of the inhabitants, who would naturally extend to the government the dislike they felt to its institutions. Unfortunately, while this was under consideration, the time had arrived when they could enforce the demands with a threat, and the rebellion, which afterward broke out in the English provinces (now constituting the United States), made their conciliation a matter of state policy. It was, therefore, determined at once to restore the French laws as they existed at the conquest; and the celebrated Quebec Act, 14 Geo. III., c. 83, was passed for this purpose. The statute enacted, "that his Majesty's subjects, professing the religion of Rome, may enjoy the free exercise of it, and that its clergy may hold and receive their accustomed dues and rights;" and then empowered "his Majesty, his heirs or successors, to make provision for the support of the Protestant clergy within the said province." But by far the most important clause was one, which after reciting that the English laws, that had prevailed there for ten years, administered and regulated under commissions to governors, had been found inapplicable to the state and circumstances of the country, enacted that from and after the 1st of May, 1775, the said English laws and practice of courts should be annulled. This flagrant violation of the promises held out in the proclamation, and of the terms upon which the people of British origin had settled there, filled them with dismay. They felt that they had the wretched choice presented to them of abandoning their property, or of remaining in a miserable minority, to be ruled and governed by foreigners, whose favor could only be conciliated by their forgetting their country, their language, and their religion as soon as possible, and becoming Frenchmen.



They accordingly lost no time in forwarding petitions, in which they were joined by the merchants of London interested in the North American trade, to the king and the two Houses of Parliament, expressive of their sense of the injury they had sustained, and the misery likely to be entailed by this statute upon the province. No repeal, however, was effected, and the act remained as it was passed. But the English found that their opponents were first in the field, whereby they were put on the defensive; so that instead of seeking what was due to themselves, they were compelled to expostulate, that too great a share had been given to their rivals. The advantage the French gained by this position they have constantly maintained, and it is a singular fact, that while the English have been the *only aggrieved party in the country*, the former have forestalled the attention of the public, and engrossed the whole of its sympathy. After the peace of 1783 the Loyalists withdrew from the United States, and the greater part of them removed into Canada, sacrificing their happy homes, and the comfortable estates, which they had previously acquired and enjoyed in the revolted colonies, and preferring the inhospitable wilds of the trackless forest, to yielding up their fidelity to their king. They consisted chiefly of the middle and upper classes in their own country, and were an intelligent, active and valuable body of men. No portion of the British possessions ever received such a noble acquisition.\*

The experiment of settling America with republicans, and taxing them without their consent, had been tried and failed. A fairer prospect now opened to England than ever fell to the lot of any European nation, for successful colonization. With an experience of nearly two centuries in the art of planting and governing, with an immense territory, intersected with noble rivers and lakes, abounding in mineral wealth, and a fishery superior to any thing in the known world, an intelligent and devoted

\* "I could adduce instances of conduct in loyalists that would do honor to human nature; but there is one which I can not pass over, because it shows with what firmness men will act, when they are conscious that they have taken the right side of a question. A fort was reduced by the Americans on the River Savannah, and such of the loyal militia as were in garrison there, had the alternative offered them of enlisting with the Americans, or being put to death. Among the loyalists was a young man who desired a few minutes to consider the proposal, and after a short pause he resolutely answered, 'that he preferred death to disgrace,' on which account he was immediately cut down." —*Stokes on the British Colonies in North America*, p. 43.



population, and millions of acres of fertile land to reward and incite industry: she possessed all the elements for laying the foundation of a great and prosperous empire. Has she succeeded? If not, where does the fault lie? Is it in the people, or in the government? If it be in the people, what has caused the change? If in the government, why has not a remedy been applied for the disease? The loyalists from the United States united with those of their countrymen who had previously settled there, in demanding a modification of the Quebec Act, and the establishment of a local legislature. The petition of these people gave rise to the act of the 31st Geo. III., c. 31, commonly called the Constitution Act, to which two laws is to be attributed all the trouble experienced in governing Canada. In the fatal concessions to the French, contained in these acts, is to be found the origin of that anti-British feeling which increased with every exercise of those powers, until it assumed the shape of concentrated hatred and open rebellion. By this latter act, Canada was divided into two provinces, respectively called Upper and Lower Canada. To this latter country this celebrated law gave a Constitution, consisting of a Governor and Executive Council of eleven members, appointed by the Crown; a Legislative Council, forming the second estate, appointed in like manner, consisting of fifteen members (but subsequently increased to forty), and a representative Assembly or House of Commons, composed of fifty members (afterward increased to eighty-eight), each having powers as nearly analogous to those of King, Lords, and Commons respectively, as the varied circumstances of the two countries and the dependence of the colony would admit of. The enacting power thus bestowed upon the colony, introduced from year to year another set of statutes, in addition to what they were subject to already, so that they soon had a union of French, English, and provincial law.

It is very difficult to conceive how the statesmen who sanctioned the substitution of this extraordinary code for that of England, could have imagined that it should ever be productive of any thing but discord in a country inhabited by two races, differing as widely in origin as in language and religion. Any person at all acquainted with the prejudices and passions that operate on man will easily understand that the French, jealous of any innovation, were constantly suspicious of an intention to infringe upon

their rights and introduce a system of jurisprudence with which they were unacquainted ; and on the other hand, that the English, naturally an enterprising and commercial people, found the feudal tenure an intolerable burden, and spurned with indignation the idea of being subject to the government of a race whom they had conquered, and to the operation of laws, which even the very nation with whom they originated had rejected, as unsuited to the exigencies of the times. In addition to the grievous error of establishing a code of laws that existed nowhere else, three others were committed of nearly equal magnitude : first, in dividing Canada into two provinces, and thus separating the French from the English majority ; secondly, in permitting the language of the courts and the records of the Parliament to be French ; and thirdly, in giving, at such an early period, and before the people were fitted to receive it, a constitutional government. Not content with these acts of folly and injustice, the French were intrusted with an almost exclusive possession of the popular branch of the Legislature, and were even constituted at the same time toll-keepers to the adjoining province. Both the ports of Quebec and Montreal were assigned to the French, and the inhabitants of Upper Canada were thus cut off from all communication with the mother country, but such as might be granted by the Americans or their Gallic neighbors. The experiment of constitutional government was never tried by a people less qualified for the task than the French Canadians. They were, without doubt, the most ignorant inhabitants of any portion of America. But few of them could read or write. They were even unacquainted with the common operations of husbandry, preferring the listless idleness engendered by a fertile soil, that yielded its productions without the aid of art, to the laborious occupations of the enterprising Anglo-Saxons. Accustomed to implicit obedience, they saved themselves the trouble of thinking, and yielded their judgment to their leaders, and their conscience to their priests. Yet to such a people was intrusted the power not only of making laws, but of governing the English. The experience of all ages was against the experiment. "How can he get wisdom that holdeth the plow and that glorieth in the goad ; that driveth oxen, and is occupied in their labor ; whose talk is of bullocks ?" "They shall not be sought for in public counsels nor sit high in the congregation ; they shall not sit in the judge's seat, nor under-

stand the sentence of judgment; they can not declare justice and judgment, and they shall not be found where parables are spoken."\* The first Assembly met on the 17th of December, 1792; and as the representation had been most injudiciously based on the principle of population, thirty-five out of the fifty members of the House were French, and only fifteen English, a minority too large and respectable to be suffered to continue longer than to teach the majority the forms of business; and we accordingly find that, at a subsequent period, it was reduced to three.

The change from absolute to constitutional government was so great, that the French were for some time trammelled by parliamentary forms, with which they were wholly unacquainted, and were not at first aware of the unlimited means of annoyance, if not of control, with which they were invested; and therefore we find them for some time proceeding with decorum and moderation. But there were not wanting those in the colony who were filled with alarm at the sight of the first Canadian Assembly, which, even with the largest minority ever known, contained a majority of more than twice as many Frenchmen as Englishmen, and possessed the power of increasing that majority at its pleasure. Even those whose faith in the operation of British institutions had led them to hold a different opinion as to the result, were compelled to acknowledge their error, when they found the House proceeding to choose a Speaker, who admitted his inability to express himself in English, and recording their acts in their own language. They perceived with grief that the natural tendency of these things was to give a complete ascendancy to people of foreign origin in the popular branch of the Legislature, and to encourage in the leaders at a future day that exclusive ambition that so soon distinguished them. They could not fail also to draw an unfavorable contrast between this extraordinary concession, and the more provident conduct of the American Congress, which, while admitting the territory of Louisiana, inhabited by Frenchmen, as one of the States of the Confederation, enacted that all minutes of proceedings in the Courts and Legislature of their sister State, should be exclusively recorded in the language of the constituency of the United States.

The leaders soon began to affect to perceive a latent danger

\* Eccl. xxxviii. 24, &c.

in every act of the government; and a bill, requiring rectors, curates, and priests, to read certain laws after divine service, was denounced as opening a door for exercising an influence over the clergy, and an effort was made to introduce in their stead the captains of militia, which was only relinquished to avoid the awkward admission, that too many of those officers were deficient in the necessary qualification to perform that duty. Having felt their way cautiously for a time, they commenced a system of high-handed measures with every person who obstructed their views, and followed it up, by removing from the House all persons attached to the Executive, and impeaching others holding high official stations, in the hope that, by representing the adherents of government as enemies to the country, the affections of the people would be gradually alienated from their rulers, and ultimately prepare them to join in those measures of forcible resistance, which now for the first time appear to have been contemplated. To bring the local government into contempt, it was necessary to impugn the integrity of the bench, and the impartial administration of the law, and they therefore impeached the judges. When the governor, whose liberal patronage had hitherto shielded him from attack, declined to suspend these functionaries, till the result of their complaint should be known, and refused to make their punishment precede their trial, they resolved "that his Excellency, the Governor-in-chief, by his answer to the address of the House, has violated the constitutional right and privileges thereof."

To personal persecution succeeded financial disputes, which extended over the whole period of the administrations of the Duke of Richmond, Lord Dalhousie, and Sir James Kempt, with more or less intensity, according to the supply of fresh fuel furnished by irritating matter of extraneous nature. Complaints soon multiplied upon complaints; public meetings were held; violent speeches made; valiant resolutions passed; and finally delegates chosen to demand a redress of grievances from the Imperial Parliament. When these persons arrived in London, they found public opinion with them. It is the interest as well as the duty of the English to govern their colonies kindly and justly, and no man but a Frenchman would affirm that their inclination requires the incitement of either.

The Parliamentary Committee to whom their complaint was



preferred was composed of persons by no means indisposed toward the petitioners, who, after a patient and laborious investigation of the subjects in dispute, made a report, which was acknowledged by the Assembly to be both an able and an impartial one, and quite satisfactory. It will be unnecessary to recapitulate the subjects referred to, or to transcribe the report, as both go too much into detail, but nothing can exhibit the kindness and liberality of Parliament more than the latter. The manner in which the report was received by the dominant party in Canada, the praise bestowed upon its authors, and the exultation they expressed at their success, deceived the government as to the source of these noisy demonstrations of pleasure. They conceived it to be the natural impulse of generous minds toward those who had thus kindly listened to their solicitations, and liberally granted even more than they required. But they knew not their men. It was the shout of victory that they mistook for the plaudits of loyalty. It was not designed to greet the ears of benefactors with grateful acknowledgments, but to wound the feelings of their neighbors with the cheers of triumph. They devoted but little time to mutual congratulations. Sterner feelings had supplied the place of rejoicing. They set themselves busily at work to improve their advantage; and having established themselves in the outworks which were thus surrendered to them, they now turned their attention to storming the citadel. While government was engaged in carrying into execution the recommendations of the committee, with as much dispatch as the peculiar state of politics in Great Britain at that time permitted, the Assembly put themselves in a posture of complaint again. Fourteen resolutions were passed, embodying some of the old, and embracing some new grievances, and an agent appointed to advocate their claims.

While representations in the name of the whole population were thus sent to England, expressing only the sentiments of one portion of the people, the settlers of British origin were loud in their complaints that they were unrepresented, and that they had no constitutional means of being heard. But their remonstrances were disregarded, and the Assembly occupied itself with the consideration of their own grievances. That the motives actuating the dominant party might not be disclosed, and to prevent any member of the opposition from being present at their



deliberations, they adopted the extraordinary mode of permitting a person moving for a committee to name all the individuals whom he desired to be appointed as members.

When the fourteen resolutions above referred to were passed, the governor, Lord Aylmer, who had recently arrived, could not but feel astonished that the same people who had so lately expressed their delight and satisfaction at the report of the proceedings of Parliament, and who knew that the recommendations of the committee were in a train of execution, should again be as clamorous as ever; and very prudently and properly entreated them to put an end to complaints, by bringing forward at once every grievance they had, that it might be met and redressed at the same time. The earnest manner in which this was pressed upon them, is worthy of notice. "Am I to understand," he said, "that the petition which I have heard, conveys all that the House of Assembly have to complain of up to this day? Or am I to understand that there is something behind—some unripe grievance or complaint, which it may be intended to bring forward hereafter, when those now produced shall have been disposed of? This is the information I ask of you. This, gentlemen is the information which I will even implore you to afford me, in the name of the king our sovereign, who is sincerity itself; and in the name of the brave and honest people of Canada, who are so well entitled to expect fair dealing in every quarter; and now if there be any stray complaint, any grievance, however inconsiderable in itself, which may have been overlooked when this petition was adopted by the House, I beseech you, gentlemen, to take it back again, in order that the deficiency may be supplied; and that thus both king and people may be enabled, at one view, to see the whole extent of what you complain of, and what you require."

The time had now arrived, (1832), when every grievance, so far as the remedy lay with government, had been removed, according to the recommendation of the committee. Whatever required the co-operation of the Assembly themselves remained untouched. They had asked what they did not require, and hoped would not be granted, so that the odium of refusal might serve as a pretext for further agitation. Several of the changes solicited would have weakened their influence, and they preferred to suffer things to remain as they were. There now existed no

inipediment to the public tranquillity ; and if their intentions had been honest, we should have heard no more of Canadian discontent. Several men of character and standing in the colony, who had hitherto acted with the French faction, now separated themselves from them, declaring that they had obtained all, and even more than they had sought ; and that they had now nothing further to ask, but to enjoy in tranquillity the fruits of their labor. When they found there was no corresponding feeling in the breasts of their colleagues, and that these concessions were merely used as the groundwork of further changes, they became alarmed, and for the first time were made sensible of what the public had always known with unfeigned sorrow, that they had all along been the dupes of their own liberal notions, and the artifices of others. But what was the astonishment of Lord Aylmer, after their declining the unprecedented request to exhibit any further complaint, if they had any, to find that in 1834 they were prepared to come forward with ninety-two resolutions of fresh grievances ! This extraordinary step revived the hopes of every loyalist throughout the colonies. Surely, they said, this last ungrateful, unprovoked attempt, will open the eyes of the English nation to the ulterior views of the French.

This singular document is well worthy of perusal. The astonishing number of ninety-two resolutions was well calculated to delude strangers, and to induce them to think that the evils under which they labored were almost too many for enumeration. But it must not be supposed, that even Canadian exaggeration could find a grievance for each number. Some were simply declamatory, and others personal. Some complimented persons on the other side of the water, whose politics they thought resembled their own, and others expressed or implied a censure against those who were obnoxious to them, while not a few were mere repetitions of what had been previously said. Such a state paper, drawn up on such an occasion, by the most eminent men in the House for the perusal of the members of the Imperial Parliament, is of itself a proof how little fitted the Canadians were for constitutional government.

These resolutions, and the memorial accompanying them, were referred to a committee composed like the last, chiefly of liberal members, and containing several whose opinions were

well known to be favorable to their cause, but after a careful hearing of all the delegates could say, the committee reported as follows :

“That the most earnest anxiety had existed on the part of the Home Government to carry into effect the suggestions of the committee of 1838 ; and that the endeavors of the government to that end had been unremitting, and guided by a desire, in all cases, to promote the interest of the colony ; and that in several important particulars their endeavors had been completely successful.”

Shortly afterward the whole of the proceedings of the government since the year 1828 were detailed in a very lucid and able statement of Lord Aberdeen, in which he claims for himself and his colleagues the credit of a full and faithful compliance with the recommendations of the Canada committee, as far as the powers of the executive permitted them to do so. To this able state paper the reader is referred, if he desires to pursue the subject into detail.

The perusal of this important document naturally suggests two reflections ; first, that the faithful execution of the recommendations of the committee is much more entitled to our approbation than the report itself ; secondly, that nothing short of independence would have satisfied the Canadian Assembly.

As the memorials addressed to government by the English and French parties, were at variance in every material point, a commission of inquiry, of which Lord Gosford, the governor, was head, was sent out to Canada in 1835. Whether the commission was necessary or not, it is not needful for me to say, but it is illustrative of the earnest desire that existed to compose these unfortunate difficulties, and ascertain on the spot, how much of concession could be made consistently with retaining the sovereignty of the country. The commissioners were told : “ You will ever bear in mind that you are sent on a mission of peace and conciliation. You will, therefore, proceed in a spirit not of distrust but of confidence ; remembering that much of your success will depend, not only on the ability and fairness of your inquiries, but also on your perfect separation from all local and party disputes, and on the unquestionable frankness and impartiality of your general conduct.”

The governor was told by Lord Glenelg, “ your lordship,

therefore, proceeds to Canada to advocate no British interest and to secure no selfish ends. To maintain the peace and integrity of the empire, and to mediate between contending parties, by whom these blessings have been endangered, is the high and honorable trust confided to you."

The arrival of this Board put an end to all further prospect of grievance, and at once damped the hopes and awakened the anger of the disaffected. The very act of investigating the complaints which they themselves had preferred was made a subject of invective, and the commission was denounced as an insult to the Assembly, whose voice alone should be heard, and whose decision admitted not of question by the Government or the Council. Knowing that the instructions given to the commissioners were of a most conciliatory nature, that every change that they had desired would be effected, and that, by their own showing, they would be compelled to be tranquil, they promptly changed their ground, abandoned their untenable local topics, and boldly attacked the Constitution.

The mask was now thrown off, and republicanism openly avowed as their object. That this development was prematurely hastened by the unexpected and immediate concession of their requests, and their object disclosed sooner than they expected, is evident. "The people of this country are now preparing themselves for a future state of political existence," said Mr. Papineau, "which, he trusted, would be neither a monarchy nor an aristocracy. He hoped Providence had not in view for his country a future so dark as that it should be the means of planting royalty in America, near a country so grand as the United States. He hoped, for the future, America would give republics to Europe." "Let them consider," says another of their party, "these words of a great writer, and they will no longer treat a revolution and a separation as a chimera. The greatest misfortune for man, politically," says he, "is to obey a foreign power; no humiliation, no torment of the heart is equal to this. The subjected nation, at least, if she be not protected by some extraordinary law, ought not to obey their sovereign! We repeat it, an immediate separation from England is the only means of preserving our nationality. Some time hence, when emigration shall have made our *enemies* our equals in number, more daring and less generous, they will deprive us of our liberties, and we shall have the same fate



as our countrymen, the Acadians. Believe me, this is the fate reserved for us, if we do not make ourselves independent." Although they considered every institution and usage of their own so sacred as to admit of no change, they viewed those of the English in a very different light. The conceding and respectful conduct of government formed an amusing contrast with their audacious insolence. To mark their contempt for legal rights, they passed an act to make notice of action, served on the Attorney-general, for damages against the Crown, legal and binding. If the suit went against the Crown, it was provided that execution might issue against the governor and his furniture, or the guns of the fortress.

Things were now rapidly drawing to a crisis. The Legislature was assembled by the new governor, and addressed by him in a long and conciliatory speech, in which the evils of internal dissensions were pointedly and feelingly alluded to, and concessions made, sufficiently numerous to have gratified the vanity and appeased the irritation of any other people than those to whom it was addressed.

They were then called upon, in the usual manner, to provide for the support of the judges and officers of government, the public chest containing at the time £130,000 sterling.

The House had no sooner retired from hearing this address, than their Speaker adopted his usual mode of inflaming his party by the most violent invectives against all the authorities, both at home and in the colony, charging the one with deceit and hypocrisy in their words, and the other with oppression and speculation in their deeds. In a short time he brought matters to the conclusion he had so long desired.

The House voted an address to his Majesty, in which they announced that they had determined to refuse any future provision for the wants of the local administration, in order the better to insist upon the changes which they required from the imperial authorities. Their utmost concession (and they desired it might not be taken for a precedent) was to offer a supply for six months, that time being allowed to his Majesty's Government and the British Parliament to decide upon the fundamental alterations of the Constitution and other important measures included in the demands of the Assembly.

In this bill of supply, which was for six months only, and mere-



ly passed for the purpose of throwing the odium of rejection on the other branch of the Legislature, they excluded the salaries of the councilors; of their assistant clerk, one of the judges, some usual incidental charges of the civil secretary's office, besides other important salaries; and, as they hoped, it was not concurred in. This was the first time they had left their executive without the means of conducting the government, for the sole and avowed purpose of procuring changes in the Constitution, although the result had been arrived at by other means on different occasions. Of the confusion and distress which this repeated refusal of the Assembly to co-operate with the other branches of the Legislature produced in the province, it is difficult to convey any adequate idea.

At length four years had elapsed since there had been any appropriation of provincial funds to the use of government. The distress and embarrassment which this state of circumstances inflicted on the functionaries of the province, whose private resources are generally very limited, were as humiliating as they were unmerited. Many were living on money borrowed at an exorbitant interest; some could not but be reduced to the verge of ruin; and, to show that this suffering of individuals was not unattended with danger to the general welfare, it may be enough to remark, without painfully dwelling on private circumstances, that the judges of the country were among those who were left to provide for their subsistence as best they might, after three years' stoppage of their official incomes.

No complaint was made against the existing administration, nor was it asserted that any demerit in the parties caused them to be deprived of their lawful remuneration. No local cause of quarrel was alleged, of which the settlement might be indispensable before the public business could be proceeded with; on the contrary, it was stated openly, and without disguise, that changes of a political nature were the end in view, and that until certain acts should be done, competent to no other authority than the Imperial Parliament, and comprising organic changes in the Constitution, by virtue of which the Assembly itself existed, the House would never make another pecuniary grant to the government. Thus the public servants, no parties to the contest, were afflicted merely as instruments, through whose sufferings to extort concessions totally independent of their will to grant or to refuse.

Such, however, were the means through which they hoped to effect their object; and they further declared, that they would pay no arrears, or vote any civil list, until their demands should be complied with. Here the government also made a stand, and very properly said "We shall concede no further. Your demands involve a surrender of the colony to one party within it; and we are not justified in granting them, consistently with the duty we owe to the Crown, to the public, or to colonists of British origin." Every governor had lately shown a desire to win the honor of pacifying Canada; had receded and conceded; offered conciliation and endured affronts; borne and forborne, in a manner that it is quite humiliating to contemplate. Each succeeding one had used his influence in the legislative council to aid in the execution of instructions which, although they are justly entitled to the merit of kind intentions, have not so much claim on our admiration on the score of their merit or their dignity.

As the Assembly had separated with a declaration that they would never vote a civil list until all their requests were granted, it was necessary for Parliament to interfere; and Lord John Russell proposed and carried six resolutions, the most important of which was the following:

"5thly That for defraying the arrears due, on account of the established and customary charges of the administration of justice, and of the civil government of the province, it is expedient that, after applying for that purpose such balance as should, on the 10th day of April last, be in the hands of the Receiver-general, arising from the hereditary, territorial, and casual revenues of the Crown, the governor of the province be empowered to issue, out of any other moneys in the hands of the Receiver-general, such further sums as shall be necessary to effect the payment of such arrears and charges up to the 10th of April last."

Whether the spirit of concession had not been heretofore carried too far, and whether the public affairs of Canada ought to have been suffered (even for the amiable and praiseworthy object of endeavoring to satisfy, if possible, the dominant party in the House) to have arrived at this crisis, are questions upon which I have no desire upon this occasion to enter.

But that these resolutions were indispensable, that they were not resorted to until they were necessary, and that Parliament

was justified in the exercise of its supreme authority, no unprejudiced and right-thinking man can doubt. A colony is a dependent country, while Great Britain is a supreme metropolitan state. The controlling power must obviously be greater than the power controlled. The jurisdiction, therefore, of a colony being limited, if it pass those limits, it is no longer subordinate, but independent. It is not only the right, but the duty of Parliament to restrain within their constitutional limits local legislatures, in the same manner as it is the right of colonists to exercise those powers, and their duty not to attempt to exceed them. Mr. Papineau had observed, "the Constitution has ceased to exist of right, and, in fact, can no longer be maintained but by force." Here then was a clear case for the legislative interference of Parliament. To such an interposition no reflecting colonist will ever object, else there would be no appeal but the sword, whenever a designing demagogue should unfortunately obtain a majority of obstructive members in the Assembly. Yet these resolutions were said to be a violation of the declaratory Act of 1778, and an unconstitutional mode of levying taxes on the Canadians, and appropriating their money without their consent.

But although the right of Parliament to interfere, and its intention to do so, were thus asserted, there was still so strong a repugnance felt by government to exercise the power, that they desired Lord Gosford to call together the Assembly again, and give those misguided men another opportunity of reconsidering their conduct. They met as summoned, but again refused all supplies, which had now been withheld for five years, and declined to exercise any legislative function. There was now no power to make new laws, no means of paying those who administered the existing ones, no appropriation for the public service in any department. Schools were neglected, roads unrepaired, bridges dilapidated, jails unprovided for, temporary laws expired and expiring, and confusion and disorganization every where.

Disaffection having now succeeded in producing anarchy, assumed the shape of insurrection, the natural result of so many years of agitation. The tragical events of this sad revolt are too recent and too impressive to be forgotten, and the recital would be as painful as it is unnecessary.

Before I leave this subject of the rebellion, however, I must allude to the mitigating circumstances that attended it. Excited

by every stimulant that parliamentary declamation could apply, or British sympathy suggest, or American republicanism offer, encouraged at home, aided from abroad, and nowhere opposed or controlled, is it to be wondered at, that the prospect of plunder and impunity, seduced these deluded people from their allegiance, or that the contagion should spread from Lower to Upper Canada? When such a man as Hume, known to be a supporter of the government, said to Mackenzie, "Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in freedom and independence from the *baneful domination* of the mother country, and the tyrannical conduct of a small and despicable faction in the colony. . . . . The proceedings between 1772 and 1782 in America, ought not to be forgotten, and to the honor of the Americans, and for the interest of the civilized world, let their conduct and its result be ever in view;" and again, "one resource, and one resource alone, remains: to be a free people, you must resist the British government;" to whom does the greater share of guilt attach, to the seducer or the victim?

This rebellion had scarcely been put down, when Lord Durham was appointed with extraordinary powers to complete the pacification.

On this part of the history of Canada, it is needless to dwell. It has proved a failure, not from a deficiency of power, but from want of conduct, in the dictator. Instead of assembling around him a council of the most influential and best informed men in the colony, according to the evident spirit of the act, and his instructions, he thought proper to appoint to that responsible situation, officers attached to his household, or perfect strangers, with the magnanimous view, as he said, of assuming the whole responsibility of his own measures. But alas! that which is a mere mistake in a statesman, is often an irretrievable misfortune to a whole people.

I have now shown that after the conquest of Canada, it was governed by English laws; that the royal proclamation invited British subjects to remove there; and promised them the protection and enjoyment of those laws; but that, in violation of that promise, in order to conciliate the French, their legal code was substituted in their place; while an injudicious division of the province was made, in consequence of which it became a Gallic



and not a British colony. We have seen that by these means, and by permitting the recording language of their Parliament to be French, they were kept a distinct people, and that they always had an overwhelming majority of members of their own origin in the Legislature, who were distinguished by an anti-commercial and anti-British feeling, which had been gradually growing with the growth of the country until they were in a condition to dictate terms to government. If this part of the review could be followed into detail, it would be found that this feeling was manifested by the manner in which they have constantly resisted local assessments, and made commerce bear every provincial expenditure—in the way they neutralized the electoral privileges of the voters of British origin—in the continuance of the oppressive tenure of the feudal law—in taxing emigrants from the mother country, and them only—in their attempts to wrest the crown-land from Government—in their attack on the Canada Company, and the introduction of settlers by them—in their opposition to a system of registry—in their mode of temporary legislation—in their refusal to vote supplies, and in the whole tenor of their debates and votes. It will be also found that the policy of every government, whether Tory or Whig, was conciliatory, and every reasonable change required (with many very unreasonable ones) was conceded to them; and strange as it may appear, it is nevertheless an undeniable fact, that the only party who had reason to complain, were the injured and traduced loyalists.

Lord Durham introduced into Canada what is called "responsible government." It is not probable that he had any very definite idea of the meaning of that term himself, for he subsequently disavowed the interpretation put upon it by the Canadian politicians. His object, however, seems to have been to leave the management, as far as possible, to themselves, by abandoning the royal prerogative, and loosing the bonds of parliamentary control. He assented to their governing by a majority, which should furnish a Ministry similar to that in England, but the Act of Reunion of the provinces was so constructed, that the old Liberals, or democratic party, still continued in the ascendant. So far from acquiring reputation as a statesman for what he had done, he has been justly censured for doing nothing, or, what was worse, for assenting to demands that were inadmissible. It was not an evidence of skill, but an act of despair. From conduct it



is not difficult to infer motives. If he had given utterance to his thoughts, he would probably thus have expressed himself: "You do not seem to be satisfied with English domination, which you have been instructed by a member of the Imperial Parliament to consider baneful; now govern yourselves, if it will gratify you to imitate independent states. You shall have responsible government, a little administration of your own, and you may render yourselves as absurd as you please, by assuming in your youth the armor of manhood, which if too large and disproportioned for you now, will, if it does not wear out, fit you better hereafter, when your limbs shall have attained their full proportion." Nothing could better suit the views of the democrats than this; but it filled the sober-minded and reflecting part of the community, that portion that embraces the learning, property, and loyalty of the country, with alarm. They saw in this hasty and petulant concession, that no one security had been devised for the protection of a minority. But the will of the dictator became law, and like good subjects they submitted to it, and endeavored to accommodate themselves to the experiment with the best grace they could assume.

The common operation of altering a dwelling-house requires great care; every change begets another, as new difficulties are constantly arising in its progress, which were either not foreseen, or not sufficiently provided against; and at last it is not unfrequently found that it would have been better not to have undertaken the enlargement at all, or to have pulled down the edifice and reconstructed it. Something very similar has occurred in the political edifice of the colonial constitution of Canada. The predictions of practical men have been singularly verified, and the following glaring faults are now distinctly visible: 1st. The governor has been rendered powerless. He is stript of all his patronage, which has been transferred to the leader of the Assembly, who, from the almost universal suffrage that exists in the country, is in his turn the mere mouthpiece of the democracy. The veto of the queen's representative, as a constitutional branch of the Legislature, is in like manner a mere nominal right, existing in theory alone, but having no practical operation. To dissolve a House, where there is a dominant party in the country, would be to surround himself with a similar but more violent Council, and make his dependence more palpable and more humil-

iating. If he assents to measures of a beneficial nature, the credit is given to those who prepare and carry them; if to obnoxious ones, he is held responsible; for people are ever unreasonable, and expect the exercise of a power that no longer exists.\*

The last governor, in the proper sense of the word, was the late lamented Lord Metcalf. He struggled hard to maintain his rights, and uphold the weight and authority that ought to pertain to his station, and exhibited qualities of no ordinary nature in the unequal contest. It was not his fault that the post assigned to him to defend was commanded by heights in possession of demagogues. He did all that skill, courage, and perseverance could do, and having made a gallant defense, effected an honorable retreat from the country.—The task of his successors, if not so creditable, is at least more safe. Nothing is now expected from the queen's representative but to keep a good table, and affix his name to such documents as are prepared for his signature. The first of these duties is unnecessary, and as regards the last an official stamp (V. R.) would answer the purpose as effectually, and make a saving that would gladden the hearts of the polished financiers, manufactured at Manchester and Birmingham.

2dly.—The Council, or Upper House, is destroyed. This body was formerly filled upon the recommendation of the governor, by the Crown; the selection was made from the most intelligent, influential, and opulent people in the province, and was as nearly analogous to the House of Lords as the different circumstances of the country would permit. The only valid objection ever made to its composition was, that in general too many heads of departments were assembled in it; an evil of no very great magnitude in itself, but one that was susceptible of an easy remedy. It was an independent, and by far the most respectable legislative branch. It was a valuable safeguard to the crown, and a great protection to a minority when assailed by a thoughtless or unprincipled majority. It was a monarchical institution; and from its character and station, nurtured a class of public men, ambitious of the honor of a seat at its board, whose very virtues disqualified them from having the suffrage of a population

\* This was lately exemplified in the case of Lord Elgin, who was assailed by a mob for assenting to a bill for indemnifying traitors for their losses, when in fact he was merely obeying his masters, the little Canadian cabinet.

that brooked no superior. The right of selection also gave great weight and influence to a governor. It formed an admirable balance of power, by maintaining and defending the rights of property, the permanency of chartered institutions, and the inviolability of public faith. Vacancies are still nominally filled from England at the recommendation of the governor; but, alas! with this *material change—at the bidding of his minister*. It was deemed necessary, to use the specious but deceptive language of the day, to make it harmonize with the Lower House, which meant to strip it of all independent action, and make it echo the orders of its masters. It is now a mere duplicate of the Assembly. Weight, character, and intelligence are not requisite; obedience is the one thing needful. The Governor and the Council exist but in name; but in proportion as the Assembly has absorbed their power and authority, has its strength increased, until it is irresistible.

The statesmen of the American Revolution, who were republicans and not democrats, had both the virtue and the good sense to sacrifice or restrain their personal ambition for the good of their common country. "All the powers of government," says Mr. Jefferson, "legislative, executive, and judiciary, result to the legislative body. The concentration of these in the same hands is precisely the definition of a despotic government. It will be no alleviation, that these powers will be exercised by a plurality of hands, and not by a single one. One hundred and seventy-three despots would surely be as oppressive as one. Let those who doubt it turn their eyes to the republic of Venice. An elective despotism is not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits without being effectually checked and restrained by the others."

3d. In former times the laws passed by the local legislature were always submitted to a searching examination in England, before they received the royal sanction; and such was the reliance of the public upon the ability, industry, and fidelity of those persons to whom this task was committed, that their decision was almost always satisfactory. Indeed, the honor and good faith of England was an axiom that lay at the foundation of every argu-

ment. Its wisdom or its prudence might be questioned, its integrity never. However strong local prejudice might be, or however the judgment of the legislature, or the ability of the provincial courts might be doubted, every right-minded person considered this surveillance as his greatest security. England was regarded as the fountain of justice, as it had ever been of considerate kindness and unbounded liberality. It was in truth and in fact a paternal authority, postponing or sacrificing its own convenience and undoubted rights, to the wishes, the feelings, and the happiness of her children. The ingratitude or insolence that questioned this notorious benevolence, is only equaled by the utter want of principle in the London revolutionary press, that gave currency to the accusation; and the credulity or wickedness of the Radical leaders, who affected to believe it, to damage the Tories, who, whatever may have been their defects, were a true-hearted British party. They may have been profuse of the public money, but they lived in the days of extravagance; they may have been obstinate, for principle is worthy of a stout defense, and they may, like their successors, have conferred honors on their own countrymen, in utter forgetfulness of colonists; but they were Englishmen, and had no greater share of national vanity than is common in the people of Great Britain. But whatever they were, they were honest. They preferred experience to experiment, and were not willing to peril their country or barter their rights for popularity. This surveillance is now merely nominal; the form is preserved, but the substance is gone forever. When an appeal is made, the answer is uniform: "You have responsible government, we can not interfere. It is a local matter; you must settle it yourselves."

This great constitutional check, therefore, is gone. The guarantee of England, that no local injustice shall be done no longer exists, and Canada is ruled by the Assembly. The governor there is not a person but a name, having as little meaning, force, or power as his title of "Excellency." The Upper House is a section of the Lower, from whence it derives its being, and to which it owes obedience. If this be not voluntarily given, it can be coerced into submission. The restraint imposed by the kind, wise, and paternal superintendence of England is withdrawn; and instead of a colonial government belonging to a monarchy, based on principles of internal freedom and external dependence,



there is an unchecked and unmitigated democracy, that could not fail to excite the admiration of a chartist or a hero of the barricades. That such a state of things was never contemplated by those who introduced responsible government, it is but common justice to them to suppose, but the navigation of an unknown sea is always attended with danger, and the ship of state is now environed on every side with sunken rocks, that are but ill-concealed from view, even in the calmer weather. The self-elected reformers of the trading towns of England and Scotland, with that spirit of speculation that peculiarly belongs to the owners of vessels, are loud in their demands to abandon her for a total loss, but honest men must lighten her of her load of democracy, repair her, and having once more got her into deep water, navigate her with cautious vigilance.

It is clear that one of two things must be done; either the former checks, so incautiously removed, must be at once restored, or further concessions made to invest the different branches of the Legislature with independent action. Either too much has been done or too little. To retrace one's steps is humiliating as well as difficult. The pride of man revolts at an acknowledgment of error or ignorance; and power, when once parted with, is not easily recovered. Progression is safer, and more agreeable. To give due weight and influence to the Upper House, its members must not receive their appointment from a political leader, but directly from the Crown or from the people. If it must be from the latter, then since they are to represent the upper class of society in the province, let that class select them. Make the property-qualification of the elector so considerable, as to insure the exercise of discretion and judgment in the electors; and to impart character, stability, and authority to the members, let the property-qualification of the candidate be still higher than that of the voter, and let the term of service be not less than ten years at least. Restore to the queen's representative some of his authority, and assign to him some duties to perform; and suffer him to be in reality, what he now nominally is, the governor. Such an arrangement would elevate the whole character of the Legislature, and acquire for it the respect and obedience of the whole people; thus each branch of the provincial Parliament would be independent in its action.

There is, in every country where constitutional government



prevails, and ever will be, a minority more or less numerous and powerful, according to circumstances. This body, whether liberal or conservative, English or French, Protestant or Romanist, is entitled, in common justice, to protection. At present they are at the mercy of an adverse political opponent, and they have no means of redress. If they appeal to England, the reply is, You have responsible government. If to the queen's representative, he shrugs his shoulders and says: "What can I do?" If to the Council, they are informed that they entirely concur with the Ministry, who have a large majority in their body. Cut off from all redress, and baffled in all their attempts to obtain a hearing, if in the bitterness of their hearts, when they reflect that their forefathers left their homes and their fortunes to follow the flag of their king into a foreign land, and that they themselves have periled their lives and properties in suppressing rebellions in the country of their adoption, without even the thanks of Parliament, when honors and rewards were bestowed on the military for merely doing their duty; if, when goaded into excitement by what they conceive unmerited injury, they talk of annexation and independence, they are told that their language and conduct is treasonable, and are forthwith ejected from their command in the militia, and from the commission of the peace. I am not their advocate, nor do I even assert that their complaints are well or ill founded; it is sufficient that they complain, and abundant security can, and ought to be given them, that they shall have all the weight to which they are entitled. One remedy, the most efficient and the best, lies in a total transfer of patronage to other hands, which, while it can not fail to satisfy them, will be an infinite improvement in colonial government, and insure to the community a far better and more respectable class of public officers.

No man whatever ought to be intrusted with the disposal of all the offices in a colony. It is too great a power, too liable to abuse, and never was, and never can be so exercised as to avoid the imputation of partiality or corrupt motives. If it must be committed to any one, it can nowhere be so safely lodged as in the hands of a governor, responsible to the Crown. He is generally a man of rank and honor, and always unembarrassed by family connections, personal feelings, or local prejudices. He can have but one object in view, which, if not founded on the higher

principles of duty, is well secured by a regard for his own character and the success of his administration; and that object is a faithful and honest discharge of the trust reposed in him. But even he may be biased by those by whom he is surrounded, who have more facilities of access to him than others; and the purer-minded a man is himself, the more difficult is it for him even to suppose the possibility of deception being practiced upon him. But in a country like Canada, whose political leaders are the mere emanations of democracy, it is impossible to select so unfit a depository of power as the premier. He will inevitably use it to pay for past or purchase future services; he has personal friendship to gratify, or private insult to avenge. The exigencies of party will preponderate over the claims of justice, and the character of the public servants must in time be greatly deteriorated. To remedy this evil, to protect the minority, to secure the people from peculations and the court from pollution, it will be necessary to re-invest the governor with the patronage, *subject to the approbation of the Upper House*, and place it under similar guards and restraints (by requiring the consent and concurrence of the Council to his nomination to certain offices) as are imposed upon the President of the United States by the admirable institutions of that country, which are so simple in their operation, and yet so safe, from the numerous checks and balances they contain. That this system of self-government could be so modified as to work advantageously, there can be no doubt; but real substantial responsibility must be both devised and increased. One thing, however, is certain—this change can only be effected by Parliament. The Canadian politicians have tasted the sweets of despotism, and they will not limit or diminish their own power. But here I must pause, and adopting the advice given by Horace\* to a friend similarly employed, bring this sketch to a conclusion.

“Principum amicitias, et arma  
 Nondum expiatis uncta cruoribus  
 Periculosæ plenum opus aleæ,  
 Tractas, et incedis per ignes  
 Suppositos cineri doloso.”

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\* Odes, II. 1.

## CHAPTER VII.

### APPLICATION OF THE FACTS CONTAINED IN THIS WORK.

Value of the preceding History to Members of Parliament and the Republican Party in Europe—The Question considered whether a Republican Government, like that of America, can exist in England or France: Firstly, with Reference to the History of the first Attempt at Colonization, and herein of the Condition of America at the Time—The People who made the Experiment of Settling at Massachusetts—Their Peculiarities—No pre-existing Monarchy, Hierarchy, or Nobility to contend with—Settlers not a Military People—No Mobs—Monarchy the oldest and most natural form of Government in the World—Laws passed to regulate the Price of Labor—Massachusetts was a Federative Body in Miniature. Secondly, with Reference to the Period of the Adoption of the Federal Constitution, and herein of general Predisposition to Rebellion—Immediate Cause of Revolution—The large Republic possesses all the Features of the first: 1st. The same vast Territoiry; 2d. People of one common Origin and Language; 3d. No pre-existing Monarchical Institutions; 4th. No powerful Neighbors; 5th. No Poor; 6th. Important Additions or Changes; 7th. Universal Toleration, in consequence of which there is Danger of Romish Ascendency—Growth of Sectarianism and infinite Dissent—American Episcopal Church, its Character, Conduct, and Growth—Republicanism favorable to Spread of Popery—The Error of the Jesuits in judging of it—State of Popery in purely Roman Catholic Countries, and where Protestantism prevails—Permanent Provision for President and Judges—High Character of the Supreme Court of the United States—American Mode of selecting Judges recommended for Colonies—Difference in Power of English and American Judges. Thirdly, Reasons why a Republic can not be successful in England—Effects of Monarchy on Society. Fourthly, Reasons why it can not exist in France—Effect of first Revolution in France—Restoration—Return of Nobles, Clergy, and Gentry—Actions of Bonaparte—Final Expulsion of the Bourbons—Louis Phillipe's Conduct—Abdication—"La Petite Eglise"—Puritanism and Infidelity compared—They produce similar Effects—Romanism in France and in the United States compared—Extraordinary Influence possessed by the Popish Clergy—Poverty of agricultural Classes in France—Proper Size of Farms—Superiority of two Legislative Chambers over a single Assembly—Downward tendency of Democracy in France—Difference between Anglo-Saxon and Gallican Races illustrated by California—Americans could not retain their Institutions if France were evacuated for them, nor could the French, if possessed of America and its Institutions, work the Machinery or govern it successfully—Only sure Basis of any Government.

THE foregoing chapters contain a mass of facts most useful for those who have a voice in the government of the colonies of Great Britain. They portray the history, condition, and fate of provinces planted by disaffected emigrants, in which the Church was una-

ble, or neglected, to extend her beneficial influence, and where the State left republicanism to grow up to maturity, and bear the natural fruit of rebellion. At the same time, they show the condition and prospects of Canada, settled by loyalists, distinguished alike for their intelligence and devoted attachment to the Crown, whose affections an unwise concession, hasty and inconsiderate legislation, and a fatal indulgence and patronage bestowed upon democracy, have alienated, without conciliating those whom they were intended to win. They exhibit also the spectacle of an abortive attempt at self-government, in which too much of the monarchical character of the constitution has been destroyed, and too little republicanism introduced into its place to satisfy either party; and consequently annexation or independence are canvassed or advocated with the same shameless insolence with which a less intelligent, but equally restless faction in Dublin was permitted to disseminate treason, under the specious pretext of a repeal of the Union.

To the democratic party in Great Britain and France, they furnish data by which they can test the accuracy of their theory, that that which has succeeded in the United States is equally applicable to them, and would be productive, on trial, of the same beneficial results. I do not propose to discuss at any length, the practicability of their adapting the American constitution to their condition. My object is to collect and arrange the facts, upon which it may be argued by those more immediately interested in it, who from living on the spot where they propose to try the experiment, and being conversant with what is passing before their eyes, are more competent for the task than I can be. An author of great and deserved celebrity says\* no American should ever speak of Europe, for he no sooner opens his mouth on the subject, than he betrays his ignorance and presumption. Whether there may not be some little arrogance in the remark, I shall not stop to inquire; but that he can not possibly know as much of Great Britain as an Englishman, or of France as a Frenchman, will be readily conceded. Europeans, on the other hand, have a wider grasp of intellect, infinitely more penetration, and a spirit of patient research, and laborious investigation, that enable them both to speak and write about America with greater ease and less diffidence than the natives. Unable to retain their own transatlantic

\* De Tocqueville.

possessions, or preserve their respective countries from revolutions, they can nevertheless easily detect the errors of the Americans, and are somewhat alarmed for the fate of a people who are ignorant enough to protect their agriculture and manufactures, and are sufficiently selfish to prefer a commercial system, under which they have grown and flourished, to periling their prosperity by rash innovations, alike opposed to reason and experience! Great Britain has endeavored to instruct them, that a home market is in no way distinguishable from any other, and to prove the sincerity of her conviction, has abandoned to them that of which she had so long the monopoly in her colonies; but they have accepted the proffered boon, and at the same time very quietly retained their own. It is no wonder, therefore, that they are very complacently informed, that they are incompetent to express an opinion upon European subjects. Submitting to authority, I shall not go largely into theories, but rather I shall recapitulate a few facts that lie dispersed through this work, or which I may not have sufficiently detailed, that are very important elements in the consideration of the question, whether such a republic as that of America, or any thing at all resembling it, can exist either in England or in France.

The subject must be considered with reference to two distant and distinct periods of time: 1st. The early stages of colonization in 1620; 2d. The state of things existing at the adoption of the Federal Constitution in 1789.

First.—The early stage of colonization.

Under this head we must advert to the condition of the country when a settlement was formed in it, and the character of the people by whom it was attempted. When Massachusetts was first colonized, North America was, with some few insignificant exceptions, a vast unbroken forest, extending from the shores of the Atlantic to the Pacific Ocean. This immense heritage was divided among wandering tribes of Indians, who lived by the chase or the fisheries, and bartered away, to the emigrants, their freehold for glass beads, worthless trinkets, or intoxicating liquors. The world of wood and water was more than sufficient for both races, and as each successive wave of population advanced, the aborigines receded, preferring the listless repose, or exciting sports of savage life, to the unceasing toil, and daily cares of husbandry. The encroachments of the white man were slow, and almost



imperceptible. The sound of the woodman's ax, and the fires with which he destroyed the trunks of the trees he had felled, alarmed the animals of the forest, and as they retired, they were followed by the red man. But neither the Indian warrior, nor the English settler, ever dreamed that this gradual but incessant rising of the flood of emigration would soon cover the whole land, and that entire nations of the former would shortly cease to exist, but in history. Such was the country that the Puritans selected for their republican experiment. Who these fanatics were, we have seen; what they were, has not been so fully expressed. They were mostly people from the middle class of society, men of good family, considerable means, and liberal education. They left England at a time when the rights of men were clearly defined, and stoutly defended, when the law of the land was well matured, and impartially administered, and when the extent of prerogative alone required to be limited, and restrained, by reasonable and constitutional grounds. They had more breeding than the Presbyterians, more knowledge than the Baptists, and more judgment than the Independents. To these qualities they added craftiness, a quality rarely found connected with a sound understanding; but their constrained conformity to the usages of the Church, had taught them duplicity, and deceit always superinduces cunning. By the exercise of this low art, they concealed their numerical weakness from the savages, whom they soon circumvented, and their ambitious schemes of independence from the English, who were easily duped by loyal and affectionate professions. Bold, hardy, enterprising, and intelligent, they were able to grapple with the difficulties of their situation, while their enthusiasm gave them a unity of action, a fixity of purpose, and a spirit of endurance, that rendered their ultimate success inevitable.

Secondly.—They had nothing to destroy or remove, when they laid the foundations of their empire. There was neither royalty nor prelacy to exterminate. They were guiltless of the blood of Charles and Laud. The merciless and wicked task of putting them to death was left to their brethren in England. The coolness with which these atrocious murders were committed, and the solemn mockery of a trial, conceded to the martyrs after their fate had been predetermined by their judges, show that fanaticism hardens the heart, which it is the object of religion to soften and

ameliorate. Not only was there no primate in the land of their adoption, but there were no bishops, and no Established Church. There were no nobles to defend their lives, their order, and their estates. No endowments to confiscate, no colleges to raze to the ground, as heretical or papistical seminaries. No altars to plunder, and no malignants to prescribe or banish. But, above all, there were no dangerous partisans of these ancient orders or establishments, to foment discord and intrigue among the people. They had the whole field to themselves. There was neither whig nor tory there, democrat nor loco-foco, free trader nor protectionist. They were all republicans in politics, and congregationalists in religion. They were united in all things. If any man differed in opinion from them, the aid of a divine was sought for, who, selecting the most appropriate text he could find, excited at once the astonishment of the offender at his powerful gifts, and repentance for his refractory spirit. If this resource failed, and the culprit still resisted, he was fined, or whipped, or banished, or underwent all three punishments, according to his delinquency; so early did the tyranny of a majority—in-avoidable consequence of republicanism—exhibit itself.

Thirdly.—They were not a military people. Although they acquired in their defensive wars with the Indians and French, great skill and courage, and a discipline and obedience to orders rarely found in fresh levies, they cultivated the arts of peace, and deprecated the necessity that compelled them to take up the sword. It is true there was but little scope or inducement for martial exploits. The savages had neither flocks nor herds, nor cities, nor fertile meadows to tempt the avarice or reward the toils of the soldier. His bow and arrows, with which he supported and defended himself, constituted his sole possessions. The French, in Canada, were separated from them by impassable rivers or lakes, and a trackless and immeasurable forest. The Dutch settlements, on the Hudson, were too feeble to excite their apprehension, and too poor to suggest the idea of plunder. The rest of the continent was peopled by their own countrymen; there is, however, no reason to suppose if they had had neighbors of a more formidable or more wealthy character, that they would have harbored the unworthy design of invading their territory, to enrich themselves at their expense. Theirs was a flight into the desert to avoid pursuit. They chose Massachusetts, not because it was

fertile, but because it afforded an asylum, fortified by three thousand miles of ocean on one side, and an interminable forest on the other. Whatever resemblance they bore to the saints, whose title they very modestly appropriated to themselves, though they refused it to the Apostles, it is certain the land of their adoption furnished a very inadequate idea of a terrestrial paradise.

Fourthly.—Having brought with them from England, the frame-work of a constitution with which they were familiarly acquainted, they adopted, not only without opposition, but by general consent, several organic alterations, which, though they materially changed its character, no way impeded its practical operation. The chief magistrate who, in their own country was called a king, they denominated “a governor;” and instead of an hereditary succession in one family, they made the office elective, and the tenure annual. In other respects, their respective duties and obligations were very similar. The Upper Branch of the Legislature was constituted upon the same democratic principles as the Lower, and invested with powers analogous to those pertaining to the House of Lords. They relinquished the Church of England, and established Congregationalism in its place. They fled from their native land, and emigrated to America, because, they abhorred persecution; and then, by one of those signal acts of inconsistency to which human nature is unhappily so subject, they commenced compelling all others to conform to their views. It was an error, however, that soon worked its own cure, as we have already seen.

This little republic with a State Church, was the first attempt at self-government on this continent. No men were better qualified to try the experiment than themselves. They had the knowledge, the prudence, the perseverance, and the unity that was requisite; and for half a century success attended them, until the strong arm of imperial power interfered, and compelled obedience to royal authority. But they knew full well that their favorite form of government required a succession of similar people, with equal powers of discrimination, and imbued with the same principles. They, therefore, as I have already related, erected their republic on the only sure basis on which it ever can exist—general education; for equality of rank, political rights, and the infusion of the elective principle into every institution, are of themselves not sufficient to preserve vitality for any length

of time. They recognized the voice of the people as the only true source of power. Their first, their constant, and sole aim was to make the population understand and value their privileges, and render themselves worthy of the high vocation to which they were called. In other countries the task is almost impracticable; in Massachusetts it was comparatively easy. There was no ignorant and turbulent mob to deal with; no hopeless and squalid poverty to relieve and enlighten; no "iron king" to speculate on their toils; no "cotton princes" to agitate and influence the masses, by deluding them with the promise of cheap bread, while they were defrauding them of their wages, and plunging them into deeper distress; and no, "factory financiers" to preach exemption from taxes, by the easy and honest process of repudiating the National Debt. But above all, there were no noble radicals to barter their order and their country for popularity, and, like old "Egalité," sacrifice every principle in the vain hope that they might eventually escape from the beasts of prey whom they had fed and excited. Every man was, or could be if he desired, a freeholder, not by ejecting the possessor, but by subduing the soil; not by fraud or confiscation, but by a grant willingly bestowed; because he who added an acre of arable land to the general stock, contributed to the means and support of the community. It was a rural population, who purchased no land, paid no rent, and owned no superiors but those whom they themselves elected to represent their local claims on the State, for purposes to which their individual means were inadequate, or to assist in framing laws which they themselves were to obey. A people, so situated, are naturally moral. Even in poor countries, like Massachusetts, the virgin soil produces sufficient for the support of a family, and a surplus for hospitality, as well as a suitable provision for those who leave the parental roof.

Industry and frugality were the characteristics of the people. Their wants were few; food, raiment, and shelter alone were indispensable. Common diligence easily supplied these. Luxuries were unknown; but comforts and abundance were within the reach of all who had health, strength, and inclination to labor. They were all equal by nature; the constitution of the country made them so legally; and the education provided by the State rendered them so practically. The only observable inequality among them was such as is inseparable from our condi-

tion. As in life some men are taller or stronger than others, and some endowed with powers of mind or body superior to those of their neighbors; so there will, from these or other adventitious causes, always be some richer or poorer, more distinguished or obscure than others.\*

There is no democracy in nature. The lofty mountain rises boldly from the lowly valley, and the tall cedar or aspiring pine towers above the humbler trees of the forest. The surface of the world is every where varied and diversified. The nucleus of every society is a family. The father is despotic. When families increase, they form a tribe. The patriarch of the little community maintains the same authority. His will is law, and all submit to it because it is parental. As these tribes become more numerous, the most powerful chieftain assumes, or is selected for, the supreme command, and takes the attributes of royalty and the title of sovereign, while the other magnates occupy the position of nobles. This is the oldest and most natural form of government. The combination of these separate communities gives strength to the nation, and the centralization of power in one person imparts weight and dignity to the throne. The first internal struggle is commonly between the monarch and his nobles, which is hastened or retarded by the personal qualities of the prince. In this contest an appeal is made by both to the people, on the one hand to repress the turbulence or insubordination of the lords, and on the other to restrain the despotism or resist the oppression of the king. To secure the support of the population, resort is had to the usual arts of popularity. They are informed that they have rights, of which each claims to be the champion, and are promised immunities and privileges which both engage to maintain and enlarge. If the monarch is weak in intellect or deficient in conduct, he is compelled to execute a magna-charta, and submit to have his authority limited; if he be successful he takes care to punish the refractory, and disable his opponents from en-

\* Burke says, "Turbulent discontented men of quality, in proportion as they are puffed up with pride and arrogance, generally despise their own order. One of the first symptoms they discover of a selfish and mischievous ambition, is a profligate disregard of a dignity of which they partake with others. When men of rank sacrifice ideas of dignity to ambition, and work with low instruments for low ends, the whole composition becomes low and base. Does it not produce something ignoble and inglorious? a tendency to lower along with individuals all the dignity and importance of the State?"



tertaining similar projects of aggression. The people, from being so often familiarized with these disputes, and so constantly flattered and cajoled, finding that the real strength of the nation resides in them, begin at last to believe that there is great truth in all the praises bestowed upon them, and persuade themselves that they are competent to govern without the aid of kings or princes, dispense with both, and set up a republic. Instead of being content with a few masters, whom they could always conciliate or control, they submit themselves to that many-headed monster a majority, and become alternately tyrants or slaves. Democracy, therefore, is the last resort, because it is the least natural form of government, and has been generally found in old countries to terminate at the point from which it started, military depotism. The main attraction it has for mankind is the constant incense it offers to their vanity. It calls them "free and enlightened citizens," and "sovereign people." It denies the divine right of kings, but assures the multitude that *vox populi* is *vox Dei*. Although there is something repugnant in it to the feelings of a gentleman, there is a certain stage of civilization to which it is not ill adapted. It is sufficient for the wants and the means of a rural and a moral population, for it requires virtuous conduct for its basis; but it presents, in its practical operation, no charms for any one above the yeoman, for in proportion as the people are simple and rustic, so is refinement wanting. That is generated only in more polished circles; for where all men are equal by law, by nature, and by compact, the highest must be reduced, and the lowest raised; and the level is inevitable mediocrity. From these natural causes the state of society in the Republic of Massachusetts at the end of fifty years (or in 1684) was far inferior to that of New York and Virginia. It was, however, the will of the Americans to found a republic, and they did so without an effort and without a struggle. My object is not to inquire whether they were right or wrong, but to describe the real progress and fall of this little State. Having thus established it, they secured its continuance by the means I have related. It was an unobstructed experiment. It was not a revolution, which must ever precede such a change in old and populous countries. There was neither pressure from without, nor convulsions within. It was a compact, into which all unanimously entered.

5th.—Although the Puritans who migrated to America, were in general men of station, intelligence, and property, yet they were not all so. There were mechanics, servants, and men who earned their bread by their daily labor. The proportion of the latter was small, and their condition soon became better than that of their employers.\*

It was not necessary to erect national workshops for them, at the expense of the State, as was the case in the recent revolution in Paris; on the contrary, laws were passed,† regulating their wages, to prevent them from growing rich too rapidly from the wants of the community. For the same cause, no disciplined troops were required to protect the government from the tumults of the people. A few constables, to serve notices or legal process, were all the police force necessary for the administration of the law. But, while they secured the equality of all, they made due provision for the support of the supremacy of the law; and contempt of authority was repressed by fine, imprisonment, or corporal punishment.

6th.—This little State of Massachusetts was a federative body in itself. The town meeting, as we have seen, was a little republic, subordinate to the central one at Boston. So was the county, with its bench of magistrates, grand jury, and paraphernalia of government. Above all, and controlling all, was the metropolitan or federal administration in Massachusetts. The great American Republic did not spring, therefore, directly from the revolution: it resulted as an inevitable consequence of the settlement of the Puritans in New England, and the institutions

\* This is the natural course of events in a new colony. The wheel of fortune turns rapidly. The gentleman is soon reduced in circumstances: his servant, who knows the value of frugality, and is accustomed to labor, becomes rich enough to educate his son, who, in his turn, loses sight of the means by which the property was acquired, and relapses into the obscurity from which he temporarily emerged. I find in a letter written by the collector of the port of Boston (Mr. Randolph), addressed to Lord Clarendon, and dated June 14th, 1682, the following account of the state of society: "The first adventurers are either all dead, and their children drove out of all by their fathers' servants, or are so few and inconsiderable, that no notice is taken of them. And as for all the persons joined in the faction here, I know but one man who was not a servant, or a servant's son, who now govern the governor and the whole country." This is said to be exaggerated, and it is possible that the language is too unlimited, but I am inclined to think it is not far from the truth.

† Carpenters, joiners, bricklayers, sawyers, and thatchers, were to receive no more than two shillings per diem.—*See Code of Laws Hutchinson*, vol. i. p. 435; vol. ii. 449.

they founded there. It was a vigorous shoot from the old stock, the roots of which were still alive, though concealed from view, and were constantly spreading and extending themselves under the surface.

We come now to the consideration of the second period, the adoption of the Federal Constitution, and must pause for a time to view it in its renovated but more artificial form. In the historical sketch given of the little republic of Massachusetts, we observe nearly all the features of the great Union. After the charter was withdrawn, in 1684, and a more monarchical character given to the government, we have seen that the people had become so accustomed and attached to their old institutions, that they never lost an opportunity of resisting the royal authority, and the interference of Parliament; and that they had so disseminated their democratic opinions through the other colonies, that the inhabitants were every where ready, and only waited for a suitable opportunity to throw off the yoke altogether. The inexcusable, unconstitutional, and monstrous project of taxing a free people, without their consent, unhappily afforded them the pretext they desired, and, availing themselves of an occasion which appeared to justify to themselves and the world a resort to arms, they burst their bonds by one desperate effort, and proclaimed themselves independent. They had been so long used to local legislation under their various charters, and other forms of provincial government, that they were at no loss what institutions to substitute in their place. Preserving their several prescribed colonial limits, they founded a republic in each; and, from their past experience of the advantages of combination, they formed, with no great invention in the design, but with infinite skill in the details, a supreme federative compact, denominated, by way of contradistinction to those of the separate provinces, the government of the "United States." The accidental circumstance of their having heretofore existed as distinct plantations, produced an unwillingness to surrender the control which they ever exercised, within their own limits, over their own affairs. They, therefore, retained their respective sovereignty, and only imparted to the federal government so much power as was necessary to preserve uniformity on subjects of vital importance, and to enable it on emergencies to wield their combined resources, to treat in the name and on behalf of all with foreign powers, to regulate

their common army and navy, and similar objects. Without these pre-existing sub-divisions of the country, they would have had to resort to one general central government, which, from the extent of their territory, and the nature of democracy, would, from necessity, either have been too weak to be efficient, or too strong to be quite consistent with liberty. Chance, therefore, happily limited their experiment to its present form.

In the great Republic we find all those peculiarities that characterized their first model.

1st.—The same vast territory for the purpose of expansion.

2d.—People of one common origin speaking the same language, accustomed to the same laws, versed in self-government, and possessing all those institutions, without which power can never safely be lodged in the whole population.

3d.—No pre-existing hierarchy, aristocracy, or hereditary orders, and no monarch. The latter they had never seen. He was to them a mere legal fiction. Theoretically they had admitted his existence; but, practically they had never acknowledged his representative.

4th.—Though they had exhibited great military skill and courage, as well as their predecessors in Massachusetts, they never desired nor required an army. Like them, they had no neighbors to fear, were removed at a distance from the belligerent powers of Europe; and five thousand men under arms were sufficient to prevent or chastise the incursions of the savages.

5th.—In like manner they had no poor, but the infirm and the aged. In many other respects the resemblance is too striking to be misunderstood.

On the other hand, they made some extensive changes, and some institutions and principles were introduced that owe their origin to the statesmen that framed the Constitution, and not the old Puritan republicans. Among the first and most important was universal toleration, a refusal to endow or establish any form of religion, and a fixed determination to place all on a footing of perfect equality. To the casual observer, nothing can be sounder in principle, or more just and equitable in practice. I do not say that they could have done otherwise, situated as they were at the time; but no man, who understands the state and operation of the various sects in the United States, but must see that in the



end this universal and unlimited toleration, or right of all religions, will ultimately produce that political preponderance which it was designed to prevent. At the period of the revolution, there were very few Romanists in any colony but Maryland; and one of the grievances complained of by dissenting demagogues, was the privilege conceded by Great Britain to the French in Canada to enjoy religious liberty, which they affected to think would jeopardize the safety of the whole continent. The appeal thus made to the prejudices of the people, produced, as it was designed, great acerbity of feeling, and the cry of "No Popery," was added to that of "No taxation." No sooner, however, had they achieved their independence, than they invited emigration from all parts of the world, without reference to creeds, and promised protection to all. Rome availed herself of the invitation so freely given, and supplied priests and funds to her numerous votaries that resorted thither. Contrary to expectation, they proved themselves good democrats, extolled that tolerance in others which they never knew how to practice themselves, and condemned that despotism in Europe, whose chains they had so long and so successfully assisted to forge. Prejudice was disarmed, and apprehension allayed; and the people congratulated themselves on the wisdom and justice of their institutions, that could work such a wondrous change in the habits and thoughts of a body of Christians, whose very name had hitherto been associated with the grossest superstition, and the most devoted bigotry. Such a form of religion, they said, could not long exist in a republic; mixing freely, and associating familiarly, with Protestants, they would soon learn to prefer independence of mind to a blind submission to the dictates of a priesthood, who had no longer Inquisitions to interrogate, and no dungeons to terrify or punish heretics. They had hitherto seen too little of them to know much about them; and what they had heard, as is always the case when a character is sought for among enemies, was grossly exaggerated. They found them good citizens, and what was of equal importance, devoted republicans. Finding they were by no means as bad as they were represented, like all men who discover that they have been imposed upon, they turned a deaf ear to all that experience could reveal, or wisdom suggest, as to the dangers to be apprehended to the State, in future times, from the unity of so large a body, and the facility with which its whole



weight could be wielded by a foreign potentate. Indeed there was but little opportunity for reflection. The resources of the country were great, and the activity of the people still greater. Wealth was to be found in every branch of business; but the most diligent and industrious appropriated to themselves the largest share. In this universal search for gold, such was the zeal and the hurry of the pursuit, that there was no time for meditation. The urgent and indispensable wants of the State and of individuals were supplied with impatient haste. Futurity, like religion, was left to take care of itself, in the firm belief that voluntary efforts would be sufficient to meet an emergency, if it should ever occur. The growth was forced and unnatural, and the shoots so exuberant, as to lose in strength what they gained in size. In the mean time all was change. The new had grown old, and the old worn-out or decayed. Massachusetts claimed to be the Athens of America, and regarded its University with pride and veneration. Its professors would adopt nothing without proof. The authority of English divines ceased at the revolution, and was renounced with that of the Parliament.

They therefore collated manuscripts, examined into the Arian controversy, and reversing the decrees of the Council of Nice, pronounced the heresy to be orthodox doctrine. They had founded a new form of government, why should they not adopt a new creed? It suited the rich, the literary, and the new fashionable society of Boston, to be flattered that they were wiser than the Puritans, and far in advance of England, which was behind the enlightenment of the age. To gratify the tastes of the public, and not to repress them, is the business and aim of the voluntary system; and the preachers have no reason to complain of the parsimony of their congregations. The old denominations, as we have seen described, have been in a great measure superseded by endless numbers of sects, more or less absurd, according to the degree of prejudice that was to be pandered to, discontent soothed into complacency, or ignorance extolled into wisdom. They are to be found dispersed over the whole country, extending from the lumberer's camp on the borders of Canada, to the Pacific Ocean, and are either offshoots from the old dissenting bodies, or indigenous, annual, or biennial plants. They embrace every possible variety, from the intellectual Baptist (who eschews and dispenses with all human learning, and yet very gravely informs his flock

that baptism is derived from a Greek word, which in the original language signifies "to dip," or "immerse"), to the Mormon, who has a revelation and a prophet of his own.

While religion was thus daily put on and off like a garment, and its color, texture, and shape, constantly varied, there were two ecclesiastical bodies, with fixed creeds, established formularies, and uniform discipline, which, though widely different from each other, remained, amid the universal mutability, unchanged in all but their numbers—the Episcopal Church of the United States and the Church of Rome. As soon as the former was released from the authority of the English hierarchy, persecution ceased; and, like all other bodies, it was permitted to take its chance, unmolested and unheeded, for popular favor. Its growth has exceeded all expectation; and its further increase, from obvious causes, is, fortunately for the nation, destined to be no less certain and rapid. It is impossible to express the commendation so justly due to her clergy; for their learning, piety, and self-devotion are above all praise. Amid all the secret doubt, and open disbelief, the conflict of sectaries, and the endless changes with which she is surrounded or assailed, her portals are ever open to those who are heavy laden with care, and thousands are seeking rest in her bosom. From such a body, so constituted, no danger is to be apprehended. Unconnected with the State, she confines herself to her own calling. She neither asks nor desires a union with it. She has no ambition but to perform her allotted task, and no object but the meritorious one of being a worthy servant of her blessed Lord and Master. She endeavors to make her people good Christians, and, in doing so, makes them good subjects. She teaches obedience to the laws, and respect for those in authority, and upholds good order in society, and virtuous and patriotic conduct in public life. If there is danger to the commonwealth in the jealousies and contentions of sectaries, there is also security to be found in the doctrines and unexceptionable conduct of the Church.

Romanists, however, are not content with equality any where. They submit to it, when inevitable, not only with good grace, but with much laudation. They always aim, however, at supremacy; and when supreme, they are ever intolerant. They can never be affectionate subjects to a Protestant monarch, but their tenets are utterly inconsistent with, and subversive of a re-

public. Rome has of late years modified, or perhaps changed, her politics. Formerly she aided the civil power in time of need, but took care to secure some concession, in return, for her own aggrandizement. There was, however, in general, a good understanding between them; her doctrine being that the throne and the altar were so inseparably connected, that neither could long exist without the other. This defensive and offensive treaty, however, was not without its dangers. If the Prince was a convenient ally, he showed that he could sometimes be a troublesome one also, and often interposed his shield between his people and the Pontiff. At last the American revolution revealed a new page in the theory of government. The Jesuits, the most able, most subtle, and best informed body of ecclesiastics in the world on the subject of the human heart and its passions, affections, and infirmities, and the most skillful in entangling it in its own meshes, until it becomes powerless in their hands, lost no time in studying the new and startling fact it disclosed, and applying the information thus strangely elicited to the extension of their power.

The experiment of universal toleration, and equality of civil rights, when made in a Protestant country, proved, contrary to all expectation, not only congenial to the principles of Popery, but conducive to its growth and influence. The fact, as regarded the United States, was too plain to admit of a doubt. The error that these Italian divines committed lay in supposing the principle to be one of general instead of local application, and in assuming, without sufficient examination, that there was analogy or resemblance between the population of the United States and that of any country whatever in the Old World. This mistake has been fatal to the repose of the Old World, and has well nigh overwhelmed the power that conceived and acted upon such a mischievous policy. Seduced, however, by the unexpected success of the experiment in America, Romanism immediately allied itself to democracy every where. It thought that if it could break down the civil power, reduce all ranks to a common level and gradually weaken any constitutional connection between the several governments and Protestantism, it would recruit its forces from the population of its adversaries, overthrow them in succession, or perhaps overwhelm them all together. As far as pecuniary resources were concerned, it had already discovered

that "Peter's pence," contributed by the poor, out-weighed the rare but valuable endowments of princes. They felt, and knew also, that when all distinctive rank should be destroyed, its own spiritual orders would still remain pre-eminent, exclusive, and perpetual.

Acting upon this principle, it planned and executed a revolution in Belgium, by which it was severed from Protestant Holland; and although neither England nor France would then consent to its being made a republic, the reins of government were transferred to the hands of the priests. In the Rhine provinces of Prussia, the affections of the papist subjects were withdrawn from the king; and they were prepared, and instructed to join the first effective outbreak of democracy. Ireland was agitated to its centre, and the resources of the empire were wasted in supporting an army in that unhappy country for the suppression of rebellion. In Canada the tone of the whole Roman Catholic body was changed. Papists have accordingly acted with the greatest secrecy and unanimity, and every where obtained concessions, that increased their power to demand with more effect in future. In Europe this powerful alliance has not been attended with the success that was anticipated. The degenerate inhabitants of ancient Rome are vastly inferior in intellect, energy, and virtue to the vigorous population of young America. No sooner had the Pope opened the flood gates of democracy, than he was ignominiously driven from his dominions. He "sowed the wind and reaped the whirlwind." In America they have acted more prudently; they have accommodated themselves to circumstances, and waited their time. They want but the majority, the allotted number of which will soon be completed, to obtain a legal and constitutional conquest of the country. The Irish are emigrating in masses; hitherto they have sent their children, the whole island having been for many years past designed for, and systematically converted into a nursery for this purpose; now they are transporting themselves: while Papists from all parts of Europe are daily swelling their forces, and augmenting their means. In every Protestant country, they are a compact body, and know the value of unity. In the House of Commons their cohesion and support can keep any Ministry in office. If a party, having less consistency and principle than the Whigs, were willing to exceed the bounds they have very properly

laid down to themselves, and would offer rank and titles to their hierarchy, whether at home or in the colonies ; admit their politicians to the Privy Council, pay their priests, open diplomatic relations with the Pope, and preclude the Church of England from the exclusive education of her people, can any man doubt that such a body, which always makes politics secondary or auxiliary to its Church, would give their support to such valuable allies ? In America they know that the natural course of events will ultimately put them in possession of the government. Their language, therefore, is more guarded, and their conduct more circumspect ; but still no public man can safely resist them. Whatever party they patronize must succeed ; and if that party expect to retain office, it must, as far as is compatible with the present Constitution, gratify their wishes. If there is any meaning in terms or definitions, a republican form of government is one that is built on the independent exercise by every individual of his own judgment. It is obvious, then, that if the head of a Church like that of Rome, can command, on any popular question, a million or two of votes, a power is brought to bear upon the administration of the country, totally at variance with its institutions, and that, as his power increases, the chief ecclesiastic whether he be a cardinal or archbishop, will gradually direct the affairs of the nation. In the meantime its fate and destiny, if not controlled, are at least most materially affected.

In the ephemeral experiment now trying in France, this power of the priesthood has been already sensibly felt, in her extraordinary intervention in the affairs of Rome ; by which, after founding a republic at the expense of the blood of thousands of her subjects, she exhibited the sincerity of her love of freedom by crushing the first effort of the Italians to follow her example. That this body now exerts a powerful influence in the United States is most certain ; and that it is likely to increase and greatly preponderate is more than probable ; to assert broadly, however, that such a result is inevitable, would be, to say the least of it, presumptuous.

An over-ruling Providence has many things in store for us, which we are not only unable to foretell, but even to conjecture ; and the uncertain future no doubt caused Rochefoucault to lay it down as a maxim, "that what is probable seldom happens." There is, however, as much smartness as truth in the remark,



and it may be viewed rather as an exception than the rule ; were it otherwise, experience would be a fallacious guide, and reasoning would be useless. The present condition of Popery is certainly very anomalous ; while the trunk has become decayed, and the branches withered, the roots are vigorous, and are constantly sending up new shoots. At home it has lapsed into indifference or infidelity ; in Spain, into a new ceremonial and cold observance ; and in South America it is wandering into dissent.\* In purely Roman Catholic countries it is every where languid ; the stream is deep, but the current is sluggish ; it appears to require opposition to preserve its vitality. In Ireland, the Orangemen compel it to arm and withdraw within its own lines ; in England, the cry of "No Popery" forces it to station sentinels at the outposts, and to send spies into the enemy's camp ; in the United States, and the colonies, it is surrounded by dissent ; and to preserve its people from contamination it is necessary to resort to sanatory laws, and cut off communication, as much as possible, with those who live in infected districts. Some ceremonies and some vestments that shock puritanical simplicity, are either laid aside or reserved for the edification of the faithful only ; while obnoxious tenets or practices are no longer publicly enforced, though privately taught ; for ridicule eludes the grasp, long after argument is vanquished.

Whatever men pay for, or contribute to, they value, because they feel they have an undivided share in the common stock. And in like manner, a creed that has to be maintained in the

\* An extract from a letter of the Rev. Mr. Mines (a missionary to California) in the employment of the American Episcopal Church, dated San Francisco, November 1st, 1849 : "The Church of Chili is far advanced in the path of reformation. A Bishop is appointed. The Pope refuses to confirm the chosen, the nomination is renewed in the form of a demand ; the Pope issues a bull ordering the consecration, declaring that we have *proprio motu* appointed the said A. B. ; the bull is sent back accompanied with a demand for the erasure of the *proprio motu*, as the nomination had been by the Church and the Government of Chili, and the Pope yielded. The curate and several inhabitants of a town urged me much to accept the use of their church and perform our service. No explanation that I was not a Romanist would be allowed. Officiate and preach I must. I told them, in answer to their questions, I was a "Christian," a Catholic Apostolic one, too, not a Romanist ; holding to no pope, no prayers to saints, no masses or propitiatory sacrifices by priests for the living and the dead ; no auricular confessions, no purgatory, but believed in the commemorative sacrifice : showed my Prayer Book, and was almost forced to exhibit our forms of worship. In fact, the Romish Church in some of these countries has touched bottom, and I am sure her reformation might be effected."

face of opposition, is endeared to its advocates in proportion to the peril they incur, or the difficulties and toil of the defense. From the present aspect of things, however, in America, the necessary influence of the principles to which I have alluded, and the rigid discipline and peculiar nature of Popery, it is reasonable to entertain the apprehension I have expressed, that in the course of time the government of the country will be in the hands of the Romanists. Such a supremacy presupposes no previous change in the Constitution which has already ordained that the majority is to rule; so soon as they constitute the majority the sole power belongs to them as a matter of right. Until then, they must content themselves with exercising, as they now do, a controlling influence over the officers of the State.

The next great change was in the right direction. From the loss of the charter in 1684 to the Revolution, during which time Massachusetts was compelled to receive her governor from England, the Legislature never would settle a permanent salary upon him, but endeavored to worry or starve him into compliance with their views. A large portion of the struggle I have related between that functionary and the democratic party, consisted of petty and undignified contests on this subject. As soon as they made and adopted a Constitution for themselves, they abandoned the practice, and thus unconsciously condemned their past conduct. The preamble to the clause regulating this matter is as follows:

“As the public good requires that the governor should not be under the undue influence of any of the members of the General Court by a dependence on them for his support, that he should in all cases, act with freedom for the benefit of the public; that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate, it is necessary he should have an honorable and stated salary of a fixed and permanent value, amply sufficient for these purposes, and established by standing laws. And it shall be among the first acts of the General Court, after the commencement of this constitution, to establish such salary by law accordingly.”

Similar language is used in the Constitution of the United States as regards the President. By article second, section first, it is provided that the President shall, at stated times, receive for his services a compensation which shall neither be increased

nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them. The judges had also been involved in the same uncertainty and difficulty about their salaries. The duties of the judiciary, though they may claim respect, neither can nor ought to attract popularity. A judge is a terror to evil doers, and in times of excitement, when the ferment of the public indicates the approach of a rebellion, one of the first symptoms of danger is the attempt to overawe or overthrow the bench. The last Chief Justice of Massachusetts, under the royal government, an old and faithful servant of the Crown and the colony, on account of his conservative opinions, narrowly escaped with his life from the fury of the mob, who first plundered his house of his money and plate, and then destroyed what they could not remove, in one general conflagration.

In Canada the rebellion was ushered in by continued slanders, unprovoked attacks, and finally, unjust impeachments of the highest officers of the court. They who are bent upon mischief generally attempt first to loosen the bonds of society by weakening the authority of the bench and lowering it in the estimation of the community. In Massachusetts, at the same time that they made a fixed provision for their governor, they also resolved "that permanent and honorable salaries be established by law for the justices of the Supreme Judicial Court." The judiciary of the United States, as we have seen, is its sheet anchor. Its power is far greater than that of England, and its practice far better than that of France. The decrees of the Supreme Council are final, the legislature possessing no appellate jurisdiction as in Great Britain. It respects the common law, and its own previous decisions, which is not the practice in France, where a judgment governs the suit only in which it is given, but fixes no rule obligatory upon others in similar cases; while in learning, ability, and integrity, the judges are not surpassed by those of any other country in the world. The power intrusted to them is immense, and not only requires the exercise of all those high qualities to which I have referred, but great caution and consummate prudence, as well as firmness and decision of character. To evince the least desire to extend their jurisdiction would jeopardize all that has been intrusted to them: to surrender any

part of it would tempt aggression, and produce those very conflicts it is their interest and duty to avoid. No men can be better fitted for this difficult and delicate task, and they are justly entitled to all that respect, obedience, and veneration so fully and freely conceded to them by a reflecting, intelligent, and grateful people.

Their mode of appointment I have already described; it is infinitely more honorable than that pursued in England, and incomparably superior to that which imperial folly, ignorance, or negligence has permitted the politicians of Canada to adopt; and it is impossible to conceive a plan more admirably well suited to secure a good selection, than that of the Americans. The reader will remember, it is an adoption of this course, or a close imitation of it, that I have recommended for the distribution of the patronage in Canada, for nothing can be so ruinous, either to the respectability of the bar, or to the efficiency of the bench, in small provinces, as to make a seat on the latter dependent upon violent partisan conduct, or coarse popularity, instead of eminence in the profession.

In England, we have seen that Parliament is supreme: it can alter, amend, enlarge, or abridge the constitution as it sees fit. In the United States, Congress has no such authority. It has a certain delegated power, it can neither extend nor restrict. Any such change must be submitted to the people at large in the separate States; consequently the validity of an Act of Congress, or of a State Government, and its constitutionality, is the subject of adjudication in the Supreme Court, as well as the limits of their respective jurisdiction. The power to enforce its judgments is not so strong as is desirable, and rests mainly on public opinion, and a love of order and of law in the citizens. Hitherto this has been found adequate for the purpose. Whether, when the population and territory of the country shall have been still further augmented, and contests of an exciting nature between the States themselves shall arrive, it will continue to be supported and obeyed, as it has hitherto been, is a problem not now necessary to discuss. Every friend to national freedom and good government, must hope for such a desirable result.

Having taken this short review of the subject, two questions will naturally present themselves to the European reader. 1st. Can such a republican government, or any thing resembling it, be introduced, with any hope of success, in England? 2d. Is it



at all applicable to France? I do not propose to enter fully into these subjects, for the reasons already assigned, but shall as briefly as possible state a few of the reasons that in my mind are conclusive against any such experiments. First, as to England:

In Great Britain there is doubtless a large republican party, composed of Chartists (a set of people not very distinguished for their intelligence); Radicals (one remove above their level in station and means, but far below them in honesty); Political Dissenters (who have already made one attempt at a republic, and showed that they regard the scaffold and confiscation, with a true Christian spirit, as the means of testifying their love of their neighbors, and a just regard for the distribution of their intestate estates); Irish Romanists (whose object is the removal of Protestants, and the substitution of Papal ascendancy); and a large portion of the manufacturing laborers, whom free trade has plunged into deplorable poverty, and whose passions have been inflamed by artful, unprincipled men. There is also a motley group of adventurers and amateur aristocratic politicians, who rest on these masses for support, affect to advance democracy, and play with it, as a tub to amuse the whale. There is nothing in such an assembly of craft or cant, of ignorance or vice, to win the support of honest men, while there is much to alarm the reflecting mind. Every enlargement of the franchise is a downward step toward democracy, while each successive stage is progressively more precipitous, and the gulf hitherto hidden in the distance is now plainly exposed to view. The landed proprietor, the main support of the monarchy, is rapidly losing his influence, with the decrease of his means, and his tenants unable to compete in the market with foreigners, call for a further reduction of rents, and a greater expenditure of capital, or threaten to migrate to America, where protective laws are in force, and likely to remain so, on a principle of prudence, that "Charity begins at home;" and a maxim of necessity, that "Self preservation is the first law of nature;" two fundamental rules worth all the sophistry of Sir Robert Peel, the declamation of Cobden, or the driveling of platform orators.

On the other hand, one consideration of great magnitude is, that Great Britain is not a country where such a change will be tamely submitted to. An Englishman is made of sterner stuff, than to surrender his rights without a struggle. What that con-



test will be we know by experience, and shudder when we think of it. The throne and the altar must first be overthrown, the peerage abolished, hereditary descent of land and title abrogated, and the whole frame-work of society first broken to pieces, and a new one reconstructed, and set up in its place. All this we have seen that the Americans were not called upon to do; and, without repeating one's self, it may in general be said, that in each and every respect, in which England differs from the condition of the old colonies in 1783, that variance constitutes an argument against the experiment. The nation is blessed or encumbered, as wise or foolish people may consider it, with all these monarchical institutions, feelings, and associations. It has not the room for the expansion the United States had; nor its general education; nor its democratic institutions ready formed; nor a people fitted for self-government; nor the elements of amalgamation in its population.

America was prepared for her republic from her earliest childhood; trained, educated and practiced in democracy, and knew of nothing else but by report. How widely spread, how deeply laid, how well constituted, must those institutions have been, to have enabled her to receive the countless thousands of the lowest refuse of European ignorance and degradation, without injury or danger. But she had room for them, they were not shut up in cities to engender fears and famine; but were consigned at once to the canals, railroads, tunnels, mines, bridges, and other public and private works, which engrossed and required the whole labor of the people. If this stream of immigration had been limited to one channel it would have burst its bounds, and submerged a whole State. It was wisely diffused over the entire country, and was instantly absorbed like a summer's shower. England, on the contrary, is filled to the brim, and has opened every sluice of emigration, to relieve herself of her redundant population.

It has been objected to America that some of her States have repudiated their debts. Selfishness is an evil inseparable from democracy, and when the responsibility of a public act falls on a whole people, the sense of wrong is lost in the infinity of numbers; *quicquid multis peccatur inultum*. But does any rational man suppose if a republic were formed in England, or if any great extension of the franchise were to take place, that one of the first acts of the legislature would not be to expunge the National Debt?

In this respect Great Britain is behind America.\* In the former (judging by the deterioration in the character of its legislation since the introduction of the Reform and Manchester bills), an equal extension of the franchise would in all human probability be productive of this disastrous and dishonest act. In America (whatever has been the behavior of individual States, and we have seen that the tendency in them is to retrograde, no apprehension has ever been entertained that Congress would be guilty of such iniquitous conduct.

Whether a republican government can subsist even in America, with any sufficient guarantee for the safety of property, or the protection of a minority, when her large cities shall be filled with pauperism, and the arable and available land between the Alleghanies and the Atlantic shall have been occupied and subdivided by a redundant population, is, to say the least of it, a matter of doubt; but that it can never be made to work harmoniously in a country like Great Britain, with her enormous masses of poverty and ignorance, is apparent to every practical man. There is no light strong enough to penetrate these dark regions, and the temptation presented by the vast inequality in the distribution of wealth, is too strong for destitution to preserve its honesty. Nor is such a change needed. America had no choice; she had never known any thing but self-government, and there was nothing in her elements congenial to monarchy. No other practicable alternative was presented to her; it was the only one suitable to her social or political state. It was an inevitable necessity, and was submitted to as such; and at the same time unanimously adopted, cherished, and lauded, as an inestimable blessing; there were not two opinions on the subject; it was not a triumph over monarchy, for that had never a root in the country. It was not a refuge from anarchy, for there was no period in

\* Some years ago, I revisited England after a very long absence, and, as is usual with colonists, being anxious to hear the debates in Parliament, went to the House of Commons as soon as possible. In the course of the evening, I asked a stranger who was sitting near me, the name of the person then addressing the house. Surveying me with unfeigned astonishment, he replied, "May I ask, sir, where you can possibly come from, who put such a question to me as that?" Having satisfied him upon that point, he said, with much animation, "That is Sir Robert Peel, sir; look at the large body of gentlemen that support him, and then cast your eyes on the rubbish on the other side of the house." Alas! that this honorable connection should have been dissolved a few days after I become acquainted with my informant. It was the late Horace Twiss.

which law was subverted ; it was not the act of a majority compelling obedience from the dissentients, for it never was made a question, or admitted of a doubt, or had been debated upon. It was an indigenous plant that had arrived at maturity ; the climate and country favored its growth ; the fruit was agreeable to the eye and to the palate ; the natives had ever been accustomed to it, and they cultivated it universally. Nothing of the kind exists in England. A noxious weed of a different species, but bearing the same name, has been sown, and ought to be extirpated in time.

In America, where the people are distinguished for their sound practical common sense, if a man were to attempt to recommend for adoption a monarchical form of government, in all probability he would fail of obtaining an audience ; and if not, he would at the conclusion of his harangue either be secured as a lunatic, or punished as a traitor. In like manner, strolling politicians who advocate democracy in a monarchy like England, not only are bad subjects, but infinitely more dangerous than those to whom I have just alluded ; for the people to whom they address themselves are vastly inferior in intelligence and love of country to the Americans, and lend a willing ear to their seductions, and, if need be, would lend a willing arm to assist in carrying out their theories. The present form of mixed government is the only one at all suitable to England. If the monarchical principle were stronger, it would be inconsistent with liberty ; if the democratic elements were enlarged, it would become too powerful for harmonious action, and endanger the whole machinery. Much as we may applaud the wisdom and skill of the great American statesmen, who devised the checks in their Constitution, and much as we may admire its adaptation to the people and circumstances under which they were placed, no impartial politician or sound statesman, whatever may be his country, but must admit that it is infinitely inferior to that of England.

In many essential points,\* the English legislature is further

\* Tacitus has recorded his admiration of the theory of such a government as that of Great Britain, but questions the practicability, as he well might, of its successful operation. The very doubt shows his wisdom. A people must gradually arrive at such a result, for it must grow with its growth. A ready-made constitution can suit no people in the world. Wherever it has been tried, it has failed. That of the United States, when copied in Mexico, disappointed expectation. A Spanish population was not fitted for it, nor was it congenial

removed from the popular action of the masses, and is more independent in its deliberation, than the American ; while the executive is more vigorous, more capable of a long-sustained struggle, and at the same time the minority is better secured and defended. Property is represented in Parliament as well as numbers, and the various orders, without which no community ever can be either refined or agreeable, are preserved, protected, or supported. The effect of monarchy on the state of society is directly the reverse of republicanism ; instead of depressing, it elevates its tone. It adds grace to beauty, polish to wit, ease to conversation, and elegance to letters ; it adorns all that it touches ; and who shall despise the influence and even the value of fashion ? It has its own laws as well as the state, and rigidly enforces them ; but it is no leveler. It has no republican pride, that disdains to acknowledge a superior, and yet avails itself of the possession of gold to inflict on others a feeling of inferiority ; it gives place and honor to rank and virtue, and countenance and encouragement to timid or retiring merit. It is unselfish, it yields to all to captivate all. It has no argument, no politics, no schisms. Its very mirth is gentle. It is gay, but not boisterous ; playful, but not personal ; scrupulous but not captious. It invests social intercourse with a charm. It limits and defines with precise accuracy and delicate shading the various minute differences that always exist in society, and assigns with equal skill and impartiality, to rank, reputation, and talent, their respective places. Social circles are all concentric, but of various extent and circumference, in proportion as they become more and more distant from the centre ; they touch closely on each other, and yet leave room for independent action ; they are nearly assimilated, and yet sufficiently distinct to admit of a selection that best suits the income or the taste of those who prefer to associate on a footing of perfect equality ; while, at the same time, many of those that precede or follow each other are so nearly blended together, that it requires some discrimination to say where one

to them. The hesitation of Tacitus is equivalent to his praise, and both exhibit unmistakable evidence of his discernment and judgment : "*Cunctas nationes,*" he says, "*et urbes, populus, aut priores, aut singuli regunt. Dilecta ex his et constituta reipublicæ forma, laudari facilius quam inveniri ; vel si evenit, haud diuturna esse potest*" (Ann. Lib. iv). Cicero arrived at the same conclusion : "*Statuo esse optime constitutam rempublicam, quæ ex tribus generibus illis, regali, optimo, et populari, modice confusa.*"



ends and the other begins. Where all men are politically, they soon become practically equal, and equality demands mutual sacrifice. The yeoman endeavors to accommodate himself to the usages of life, and the man of the world and the gentleman relinquishes his polish, to obliterate all trace of superiority. When such is the case, distinction must be sought where it can alone be found—in wealth. Republican life, wherever it exists, is typified in California. Toil, premature danger, and exile are endured by the gold-digger; and when the fortune is amassed, and the distinguished man returns to his home, his happiness is blasted, for envy has found that his manners and morals have not been improved by his associates, that his constitution is impaired, and that there are others still richer than himself. Wealth can do a vast deal in England, and furnishes a convenient cloak wherewith to conceal infirmities. And where does it not work wonders? But there is much in society in England that wealth is unable to effect, that it does and ever will accomplish in republics.

The second inquiry is: Is it suitable to France? That unhappy country had, by its previous revolution, removed all those obstacles that nature and antiquity had reared up in the form of legal institutions, and which still exist in England. They were not merely overthrown, they were annihilated. Every thing had been reduced to a level. But the same whirlwind of the passions that had overwhelmed order, religion, and virtue in one common wreck, proved too powerful for the partly-constituted and badly-planned republican edifice, erected on the ruins of the monarchy. No sooner had the storm subsided into a comparative calm, and men had time to look about them, than it was discovered to have been built on no solid foundation, and it was abandoned to its inevitable fate; military despotism, the last refuge of anarchy, being substituted in its place. Its effect was not to restore order, but to divert the fury of the people from themselves, and direct it against other nations. Nearly every country in continental Europe has been deluged by blood, or devastated by fire and sword, to spread the fraternity of liberty, and diffuse the inestimable blessing of having no God, no king, and obeying no law but the free and unbridled rule of animal instinct or passion, which has been deified and worshiped under the specious name of reason, or the immutable right of man. After these destructive and



ruinous wars had ceased, and the belligerents laid down their arms in utter exhaustion, people soon found they could not subsist without industry, and that food, though a vulgar consideration, was necessary even to the enjoyment of rights. The productions of labor require the protection of law, but that presupposes a certain degree of order, without which it is a dead letter. Disorder and law can never be co-equal, or the struggle will be too violent for public tranquillity. The latter must be by far the strongest; it then coerces by the weight, rather than the exercise of its authority; it should be every where felt, but nowhere seen. It must be passive until put into motion; it then hears, deliberates, and decides. Its assistance must be invoked. It aids the oppressed; it defends the innocent; it punishes the guilty. But it is powerless of itself: like every thing else, it is correlative. Reason and wisdom are insufficient for its support; it requires the sanction of religion. In the investigation of truth, resort must be had to testimony. But man is an erring being; his impartiality and veracity are not always to be depended upon with implicit confidence; he must be placed under the solemn obligation of an oath. But if he do not believe in the state of future rewards and punishments, if he is not an accountable being, you have no hold upon him; he eludes your grasp, and "bears false witness against his neighbor."

A return to a state of peace afforded leisure for reflection, and the work of reconstruction commenced. The monarchy was again restored. The hierarchy resumed its functions, and the nobility their place and their duties; much that was new was added to the old structure, which, with equal good taste, and sound judgment, was finished in the same antique style. France recovered most wonderfully from the wounds inflicted on herself in the fury and convulsions of her delirious fever. Her finances were improved, her commerce flourished, and her agriculture and manufactures were reanimated. But alas! a few short months are sufficient to demolish the work of centuries; and in the general wreck produced by a moral earthquake, there must inevitably be many things irretrievably lost, or destroyed. You may substitute others equally costly, and to the unpracticed eye of the casual observer, apparently far more valuable; but the family portraits, the armor of our ancestors, the trophies of their valor, the prizes of their learning or virtue, the tokens and tributes

of private friendships, the antique relics of the olden time, which gratified and purified the pride, or stimulated or sustained the order of succeeding generations, who successively inherited and occupied the old mansion, are gone, and gone forever. A public museum, enriched by national grants and private contributions, may contain a collection infinitely more rich and rare, and its marketable value may be immeasurably greater; but who is there possessing the common feelings of a gentleman, but must at once perceive that while the one merely improves the judgment and refines the taste, the other connects itself with all the affections of the human heart? When the restoration was decreed, it was found easier to design than to execute the task. The fragments of the monarchy were few and widely dispersed. An old man, unacquainted with public life, and whose privacy had been devoted to pursuits as little calculated to add dignity to a throne, as to engage the sympathies of a people, was found in exile, in a foreign land, and hastily summoned to occupy the place which had been filled by a long line of ancestors, some of whom had been the greatest, wisest, bravest, and most illustrious monarchs of Europe. A few decrepit invalids without fortune, or experience, other than that which had been learned at the sacrifice of every comfort (how hard the lot of adversity is to those, who have been nurtured in luxury, and how difficult it is for dignity to clothe itself in the coarse garb of poverty) were summoned from every part of Europe and America to take their seats in the House of Peers. The few surviving gentry, whom time or the guillotine had spared, left the humble vocations to which they had applied themselves for their daily bread, and offered their congratulations to their prince, on this resumption of his rights, accompanied by most touching appeals to his feelings, for a similar restoration of their own. The clergy came forth from their hiding places, to resume empty titles,\* which they could not support; and a station which, by contrast with

\* The passage refers particularly to what is called *la petite Eglise*. Palmer informs us that at the time of the French Revolution, there were within the kingdom one hundred and thirty-five bishoprics. These, together with twenty-four in Savoy and Germany and elsewhere, making a total of one hundred and fifty-nine, the Pope, at the bidding of Napoleon, annihilated, and created sixty new ones in their place. The owners of thirty-six of the old sees refused compliance with the Pontifical mandate, representing it as clearly *contrary to all the canons of the Church Catholic*, which it undoubtedly was. They and their

their means, they feared would attract more compassion than is compatible with dignity, and excite more ridicule than respect. Such was the restoration. It was decrepit from age, and imbecile from poverty. It was an exhibition of the galvanized bodies of a departed generation. They were strangers in their native land. Every thing was changed but their language. Thought, feeling, fashion, society, tastes, education, hours, entertainments; all that they had known, or recollected, or valued. The people regarded them as antiquated masqueraders, and they were at no pains to conceal that they considered the Parisians as the lees and dregs of the population, after the best blood had been drawn off and expended in the rebellion.

It was evident to all that monarchy had been so thoroughly exterminated, that it was now an exotic, and not the more agreeable to the country from having been transplanted by foreign bayonets. Although the people had applied themselves to agriculture and commerce with great zeal and success, they had been too long accustomed to the excitement of war, and the intoxication of military glory, to sustain with perseverance the laborious operations of the arts of peace, and longed for the return of Napoleon to lead them on to fresh victories. Impatient of repose as well as themselves, he placed himself at the head of the army, and monarchy was again overthrown. Waterloo imposed Louis XVIII. upon the nation once more, and a further attempt was made to give durability to the throne. Obedience may be enforced, but no power on earth can extort affection. His restoration was not the result of their choice, but their defeat; and as his presence reminded them of their misfortune, he was tolerated like one billeted on the nation. His successor, and heir to the crown, Charles X., was soon afterward escorted to the frontier by

adherents described the act repeatedly, and in formal documents, as *null, illegal, and unjust*; and the new prelates were declared by them to be schismatic intruders, with whom they could not communicate. Hence a schism in the Roman Church, which continues to this day. The deprived bishops and their party are termed by their opponents *la petite Eglise*. In the new order of things that arose, the Church became entirely dependent on the Government. The bishops could not confer orders without its sanction. Bonaparte managed every thing as he thought proper; he exercised the most absolute jurisdiction, creating bishoprics, uniting or suppressing them. This system, with some modifications, continues to this day. In almost every country in Europe, the power of the Pope is controlled. Perhaps it is more unlimited in Ireland than any where else. See *Hook's Church Dict.*, title "*Concordat*."

a guard of his own soldiers, and desired to depart in peace. Monarchy was again stripped of every thing but its name. A member of the ill-fated house of Orleans aspired, and was selected, to occupy the dangerous station of hereditary first magistrate, or president, under the equally unacceptable title to the neighbors and allies of France, of Citizen King. Hereditary rank and estate were abolished, and a republic, with a limited franchise and restricted qualifications for election, was established in its place. It was a compromise between retreating royalty and aggressive democracy. It was a truce between two irreconcilable parties. A long exile in various countries had not taught the king either humility or wisdom. He had not inherited virtue from his father, and the people had too long despised and derided it, even to pay it an outward respect.

They prepared a charter, and both swore with much solemnity to observe its provisions. He distrusted their sincerity, and fortified Paris, under the ill-disguised pretext of protecting the city, but in reality to curb its unruly population. Equally treacherous, but more prudent, they on their part increased their strength, by constantly recruiting their ranks, until they were even powerful enough to look down all opposition.

By an accidental explosion of the combustibles, or a well-planned train, he was dethroned before he knew he was menaced. He had neither time for retreat nor defense. He was requested to abdicate, and permitted to assume a disguise and leave the kingdom. In this ignoble flight, his only pursuers were his own apprehensions, and the only escort of the little fragment of his family that adhered to him were his own reproaches.

To this base imitation of royalty succeeded the foul and feculent stream of democracy, which, crimson with the blood of another massacre, second only to that of the Huguenots, every where exhaled its noxious vapors, that threatened to poison the whole moral atmosphere of Europe. Such is the country in which this great experiment is to be tried, of a republic based upon universal suffrage. Pre-existing monarchy, and its accompanying institutions, we have seen, present no obstacle, as they would necessarily do in England. If democracy were not the original growth of the country, as it was in America, it is now as generally diffused; and it is a very singular circumstance how opposite principles, when carried to their full extent, produce



similar results. Nothing can be wider apart than Puritanism and Infidelity, nothing more unlike than their principles and general conduct. The one believes most devoutly what the other denies and ridicules. They have a natural antipathy, and entertain a mutual horror of each other; and yet their conduct affords, by its consequences, an apt illustration of the old proverb, that "extremes meet." The one believes in a Supreme Being, whom he acknowledges and adores, but his imagination is so gloomy, and his temper so austere, he can see no attribute in him but that of vengeance. He believes in a Saviour, but he can behold nothing in him but redemption purchased by blood. His devotion, therefore, though intense, is cold. He applies to his Maker for justice. He has but a faint conception of mercy, and being well satisfied with his own holiness, thinks that he who never offends, does not stand in need of indulgence. Unbending sternness, and unrelenting duty, are what he values and strives to exhibit. He sees no harm, therefore, in arraigning his king, trying, convicting, and executing him; and to show his impartiality, he will not spare a prelate, who is a servant of God, when he has slain him whom, in mockery of his prerogative, he calls "the servant of the people." That he is sincere in believing this to be the path of duty, we can scarcely doubt, otherwise he would hardly glory in it, and thank his Maker for using him as an instrument for executing His vengeance. The Puritans derived a holy pleasure from this pious work; and when they fled to Massachusetts, refreshed their drooping spirits in the wilderness by cropping the ears of Tories, and boring the tongues of Quakers, whipping non-conformists, and hanging people under the pretense that they were witches. They had over two hundred victims in jail, as we have seen, wherewith to gratify their zeal in counteracting the designs of the wicked one, when a stop was put to their atrocious inhumanities.

The French philosophers produced the same result by an opposite process. The fool mentioned in Scripture, who "said in his heart, there is no God," had at least the decency to confine his thoughts to his own bosom. The literati, with equal folly, but more vanity, published this discovery to the whole world, and it was not difficult to obtain converts in a hungry mob, who were paid for their credulity by the property of the Crown, and the revenues of the Church. When booty is obtained without



the danger of resistance, or the fear of punishment, the appetite for treasure, so easily obtained, grows with the gratification, and the plunder of royalty was too tempting an opportunity to be lost. The death of the king was necessary ; but, according to their reasoning, it ought to startle none. He was but a man ; and, besides, he was a criminal. If there was no future state of rewards and punishment, his life or death was not worth the waste of one precious moment of so short an existence. But if there were, they must still be right ; for one of the most rigid Protestant sects in Europe, called Puritans, men of the strictest morals and the highest sense of justice, had set them the example. Although I do not mean to confound these two parties, who so widely differed from each other, yet it is instructive to inquire how they were both led to the same fatal conduct. An overweening pride in each was beyond a doubt the main cause. The Puritans satisfied themselves they were the best, and the infidels that they were the wisest of mankind. The one left the mild and meek virtues of love, charity, and submissive obedience to the care of females, and reserved the more masculine and sterner duties to themselves ; while the others transferred the Christian Trinity to the heathen mythology, and regarded both in the same light—as the inventions of ignorance, superstition, and fraud. The one had morals, respected the rights of property, maintained order, and enjoined or enforced frugality, industry, and sobriety of conduct ; the others abandoned themselves to sensual enjoyments, respected neither life, property, nor laws, and relaxed or released the bonds of society. The one gave a preference to a democratic over a monarchical constitution, and a Congregational to an Episcopal Church, and put their favorite theories into practice ; the other subverted all government, and all religion. They were both hypocrites after their own fashion ; the one quoting Scripture as a pretext for rebellion and murder ; the other affecting to consult the oracles of reason, in order to give currency to their frauds, falsehoods, and forgeries. That there was much in the conduct of the court, the institutions, and the management of the finances of France to amend, there can be no doubt : but that a revolution was necessary to effect these reforms, or that they were as vicious as has been represented, no one now believes, but those who delight and thrive in all civil commotions. But if the king was undeserving of the cruelty, indignity, and death,

that he suffered at the hands of his atheistical subjects, what shall be said of the unrelenting persecutions and proscriptions of their clergy—a body so numerous as to require the surveillance of one hundred and thirty-five bishops? It was not then, and never will be again, so long as the world shall last, difficult to select individuals of immoral lives and scandalous conduct. No branch of the Universal Church ever has been so pure; and whichever shall claim the exemption, will prove, by its assumption, its own unworthiness. Human nature, at best, is imperfect, and always fallible. Of the chosen few who listened to the instruction and witnessed the miracles of the sacred Head of the Church, one betrayed his master, and another denied him, and a third subsequently doubted his identity, until, to the evidence of sight, he was called upon to add that of touching the body. It is an admirable lesson, and teaches us humility in estimating ourselves, and charity in judging others. It was necessary to defame the Gallican Church to palliate the confiscation of its effects; and to accuse, before they condemned its hierarchy, in order to have the pretext of a sentence for putting them to death, or driving them into exile. They succeeded in deceiving themselves, but they have not duped others; and every candid person, of every creed, in Europe and America, does justice to this learned, pious, and faithful body of men, who suffered so much from the daggers, the dungeons, and the scaffolds of their heartless enemies.

The effect of this relapse into heathenism is still most sensibly felt in France. The whole population has to be re-converted; a task wholly beyond the power of man, without the blessing of God upon the work. The gospel has no new light for them; they had seen and rejected it, as inferior to that of reason; it has no new truths to elevate and purify their minds, to console them in their adversity, and sustain and cheer them in their toil or their suffering. They had heard them, and disbelieved them. They had shut their ears, and hardened their hearts, for they knew not that “righteousness exalteth a nation.”

They have, however, condescended to tolerate religion, and have permitted it to push its way if it can. Romanism can not long exist any where without making itself felt. In America we have seen how it has done so; and the tendency it has, by obtaining the suffrages of the majority, to throw power into the hands

of a foreign potentate. The same will be discovered to be the case in France. In that country, it is true, the religious element is not by any means so largely infused into the character and constitution of the people, as in the United States; but it has the great advantage of being in undisturbed possession of the field, and of holding therefore, an undivided sway over all that is religious in the community; whereas, in America, though numerically, perhaps, superior, and its adherents more devoted, there are numerous other bodies, and especially the Protestant Episcopal Church, to hold it in check, and arrest its progress. This danger to the national government of France is greater under the present hierarchy and clergy, than under the old Gallican Church. That was a far more patriotic body; it was attached to the soil, and its ministers were, both by birth and in heart, Frenchmen. Whereas, the existing priesthood, perceiving the frail tenure that they have on those in authority, that they are in fact merely tolerated by statesmen, neither esteemed nor respected for their office's sake, see in Rome the sole source of all their power, dignity, and *status* in society. Hence their affections are estranged from the land of their nativity, to which, moreover, from the law of celibacy, no ties of family bind them, and they are naturally led to entertain Italian predilections, and disseminate ultra-montane doctrines.

The influence they will eventually exercise on the constitution can not well be overrated. Laws may be invented to restrain the clergy from interfering in secular matters, and to exclude them from power, but while Romanism remains the same, no enactments can counteract its influence. It has the education of youth, the devoted reliance of the female heart, the ignorance of the lower classes, the confidence and society of the rich, the superstition of the weak, the power of indulgence or penance for sinners, and the keys of Heaven for all. It mixes itself up with the tastes, the feelings, the enjoyments, and consolations of life. It receives the helpless infant, and christening it, adds it to the flock, and, while imparting its creed, exacts and secures its obedience. It trains it in its own way, when manhood asserts its independence, and the world exhibits its allurements. It unites him to the object of his affections, and makes her his companion for life, bestowing on both the benediction of the faithful. It unlocks the sanctuary of his heart, and is the depository of the

secrets of its inmost recesses. It advises him in his worldly affairs, sustains him in his trials, and prepares and consoles him in the agonies of death. Can law grapple with a power like this, and say, "Thus far shalt thou go and no farther!" This is a power beyond a charter, and above a constitution, and they who wield it must be courted and not coerced. It will assist an administration, but it requires heavy subsidies for its services. In the absence of religion, we have seen, a republic can not exist. The State then must obey it, if it will rule. It is the vast majority of the population that, under some form or other, profess Romanism, that creates the difficulty.

If then the infidelity or religion of France, are both opposed to rational republicanism, the want of due preparation and congenial establishments for enabling the rising generation to understand and appreciate self-government, is a very serious obstacle to its success. So much has elsewhere been said on this subject, that I do not think it necessary to follow it into detail. America has one advantage peculiar to herself, arising from her isolated situation. She has no neighbors of sufficient power to cause her a single moment's apprehension, however much they may dread her interference. She wants no standing army, a power always dangerous to liberty under any form of government, and ever attended with an enormous expense to the nation. She has almost as little need of a navy, as a law of non-intercourse, would inflict more injury upon any country with which she has commercial relations, than twice the number of men-of-war she possesses.

European politics, on the contrary, are so various and complicated, and national rivalries and jealousies run so high, while the intermeddling policy of every government with the affairs of others, and the absurd dread that the balance of power may be destroyed, render it necessary for France to keep up both branches of the service, on an efficient and extended scale. With such a force, a continental republic would hardly be secure from itself; without it, it would not be safe from others. The fundamental principles of the charter of Louis Philippe, anticipated the present democracy, by decreeing an equal partition of real estate, and saved it from the reproach of having ruined the country, by subjecting it to the experiment after it was utterly impoverished. Its object, doubtless, was to force upon the people the adoption of a democracy, by reducing the condition of all landed pro-

prietors to one standing ; but it was the condition of a work-house, a level of irredeemable poverty and wretchedness.

There was nothing new, either in the theory or the result ; it had been tried and rejected before this law was ever thought of. The best agricultural writers of this country, though they differ, as it is natural to suppose they should, as to the best size for a farm, all agree in this, whatever may be its extent, which must ever depend on a variety of accidental circumstances, it should not be so large as to induce the occupier to speculation in the markets, whereby he is apt to withdraw his attention from his legitimate business, and expose himself to bankruptcy, nor so small as to require him to cultivate it with his own hands, which degrades him to the station of a mere laborer, and engages him in a perpetual struggle with poverty, which in his declining years is sure to overpower him at last. Their own countrymen in Canada, who crowd both banks of the St. Lawrence, have carried out the partition of lands to the extreme length to which it will go, and their poverty contrasts painfully with the plenty that rewards the toil of the backwoodsman who has a more extended field for his skill and his enterprise.

The Acadians in Nova Scotia, the descendants of the first adventurers from Havre and Rochelle, have at last starved out their repugnance to lose sight of home, and are compelled to fish and engage in the coasting trade in summer, to enable them to subsist on the old paternal strip of land in the winter. If the farmer is a pauper as well as the laborer, the operatives in cities and the manufacturers, there is no lack of equality, nor are the rights or the property of those in much danger, under any form of government, who have little else to reward invasion beyond putrid fevers and contagious diseases.

Can any one wonder there are Red Republicans in France ? men who, with arms in their hands, demand bread or blood ; who are willing to work, but can not find employment ; who would till the soil, but that the only crop they raise is disappointment ; who love their nation, but the country is too small for them.

It is not necessary to remark on the unchecked power of a single Chamber of Deputies, as now existing in France ; because we have discussed that already, and besides, it can be altered and a second one added, to correspond to a Senate. But the ancient



or modern sub-divisions of France present no distinct sovereignties like the separate States of America, that possessed, together with their independence, laws and institutions of their own, to which the inhabitants were attached, in an equal or perhaps greater degree, than to those of the Federal Government. The separate and independent States legislate for themselves, are supreme within their own limits, and retain all their powers, with the exception of the few they have delegated to Congress. They are great barriers to the centralization that pervades in France, making Paris the nation. They present insurmountable difficulties, in the way of encroachment on local authority, afford the best machinery that can be devised for training and electing senators. The Chamber of Deputies comes too fresh and direct from the people for cool deliberation, or the exercise of private judgment. It is the trumpet of the multitude, and adds volume and sound to its voice, already too powerful; it obeys rather than governs; or at least such is the tendency of things. The operation of this cause, we have seen, has produced repudiation in some of the individual States of America.

The tone of feeling in France having none of the constitutional checks imposed upon it, as in the United States, must eventually deteriorate. Even the great revolution did not efface all honor, in extirpating all religion. The nation had been too long a monarchy to lose its chivalrous feeling so suddenly, and notwithstanding the subsequent changes, its military and naval establishments gave a character and confidence to public faith, which it never could or can draw from universal suffrage. This direct appeal to the people for the election of the whole Chamber will gradually bring the Assembly to think and speak like the mob they represent, and the voice and feeling of both will soon become identical: the people will contaminate their legislators, and the legislators will still further degrade the people. But without going into details, I will refer my readers to facts, contenting myself with merely stating that I can see nothing in the situation, institutions, or condition of the country to warrant us in indulging a hope that such a government as exists in America, or any that at all resembles it, can be introduced into France with any rational prospect of success. De Tocqueville, with true Gallican vanity, asserts that it can, for he thinks what has been effected in America can be adopted and improved in Europe; and that whatever

any other people could do, his countrymen can also accomplish. With an equally strong Anglo-Saxon feeling, on my part, I verily believe that if the difficulties to which I have alluded, were all removed, the French could not successfully carry out the experiment.

There is no people in the world who understand, or who can sustain republican institutions, but the Americans. Several hundred thousand needy adventurers recently rushed with impetuous haste into the gold region of California, where no law, but that of nature, prevailed. Their first step was to choose delegates, frame a Constitution, and put it into execution; and they established a government with as much facility, and in as short a time, as the partners of a Joint Stock Bank could agree upon their by-laws. What people on the earth could do this, but the Anglo-Saxons? Those fortune-hunters were not the most enlightened citizens of America, nor her choicest subjects; and she was, with some few exceptions, as well pleased with their emigration as they were themselves. Yet they have put to shame the Prussian statesmen, the German philosophers, and the most learned and enlightened politicians of the old world. They were accustomed to the work, aware of the extent of their wants, and well acquainted with the best method of establishing and securing order. They were practical politicians; having first provided a law for the protection of property, they set themselves in all haste to work, to acquire it, and the document they had prepared was no sooner duly sanctioned, than they were to be seen wading with naked legs into the river, and digging sand, and washing it in a cradle to separate the gold from the dross. The nature and position of the country, and the character and temperament of the people (independent of all other considerations to which I have alluded), are of themselves of such vast importance to the success of a republic, that after giving the Anglo-Saxon race all the credit it deserves, and ascribing to the Gallican nation all the valuable qualities (and they are very numerous) to which they can in any way lay claim, it may be well doubted on the one hand, whether, if France was evacuated and given up to the Americans, they could long maintain in Europe, either their institutions, or any thing like the amount of freedom they now enjoy; and on the other hand, if the French were put into possession of the territories belonging to the United States, with all its

advantages of position, and all the necessary institutions constructed to their hands, whether the complicated republic would not be found so uncongenial to their habits, and so little adapted to the genius of the people, as to fail of success in a very short time. I offer no opinion as to the durability of the government of the United States. The Federal Constitution, we have seen, is an admirable production. Those of the several States are inferior to it, and their tendency is to retrograde. How far this deterioration will hereafter communicate itself to the other, time alone can show. Our hopes for its safety, however, are by no means unmixed with fear. It has many an unforeseen contingency and crisis to pass through, before its strength or durability can be said to have been fairly tested.

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